

**CITY OF EUREKA  
CITY COUNCIL/  
REDEVELOPMENT AGENCY  
AGENDA**

Marian Brady	1 <sup>st</sup> Ward
Linda Atkins	2 <sup>nd</sup> Ward
Mike Newman	3 <sup>rd</sup> Ward
Melinda Ciarabellini	4 <sup>th</sup> Ward
Lance Madsen	5 <sup>th</sup> Ward



Frank Jäger, Mayor

**REGULAR MEETING  
TUESDAY, FEBRUARY 15, 2011  
CLOSED SESSION 4:00 P.M.  
REGULAR SESSION 6:00 P.M.  
COUNCIL CHAMBER  
531 K STREET  
EUREKA, CA 95501**

David Tyson, City Manager  
Pam Powell, City Clerk  
William Bragg, Interim City Attorney

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**CLOSED SESSION**

*If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.*

**A. PUBLIC COMMENT PERIOD**

*(Limited to 3 minutes each speaker on closed session agenda items only)*

**B. Conference with labor negotiators**

Agency designated representatives: Gary M. Bird for City of Eureka

Employee organization: Eureka Firefighters' Local #652 (EFL), Eureka Fire Officers Local (EFOL)

*Pursuant to California Government Code Section 54957.6*

**C. Conference with legal counsel-anticipated litigation**

Significant exposure to litigation: Two cases.

*Pursuant to California Government Code Section 54956.9(b)*

**D. Conference with real property negotiators - Property: APN 001-054-45 and 001-054-13**

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating Parties: Eureka Waterfront Partners

Under negotiation: price, terms, and conditions

*Pursuant to California Government Code Section 54956.8*

**E. Conference with labor negotiators**

Agency designated representatives: David Tyson for City of Eureka

Employee organization: Unrepresented management, mid-management, and confidential employees.

*Pursuant to California Government Code Section 54957.6*

**F. Conference with legal counsel-existing litigation**

Name of case: United States of America v. City of Eureka et. al; Case No. C085725

*Pursuant to California Government Code Section 54956.9(a)*

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**REGULAR SESSION – 6:00 P.M.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**REPORT OUT OF CLOSED SESSION**

**MAYOR’S ANNOUNCEMENTS**

**COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS**

Councilmember Brady: Humboldt County Convention & Visitor’s Bureau  
Announcement

**BOARD/COMMISSION REPORTS**

Keep Eureka Beautiful – Award Presentation

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**PUBLIC COMMENT PERIOD**

*This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.*

*Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.*

1. Is there any person in the audience who wishes to address the Council at this time?

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**CONSENT CALENDAR**

**Notice to the Public:** *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

2. Council meeting minutes.  
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of January 4, 2011 and the special Council/Redevelopment Agency Board meeting minutes of January 4, 2011 as submitted.  
(City Clerk)
3. Claim for Damages - Humboldt Property Management  
Recommendation: Reject the application for leave to present late claim for damages.  
(City Attorney)
4. Appropriation of Donated funds for Eureka Volunteer Patrol Equipment Purchase  
Recommendation: 1. Authorize appropriation of donated funds to Account # 110-42100-7490 for the purchase of (1) Toughbook laptop computer and accessories.  
(Police Chief)
5. Finance Department Record Destruction List  
Recommendation: Adopt a Resolution of the City Council of the City of Eureka to Authorize the Destruction of Certain Records.  
(Finance Director)
6. Request for Exception to the Hiring Freeze  
Recommendation: 1. Approve an exception to the hiring freeze for the Community Development Director position.  
(Personnel Director)
7. Request for Exception to the Hiring Freeze  
Recommendation: 1. Approve an exception to the hiring freeze for a Treatment Plant Operator I/II position.  
(Personnel Director)
8. 'C' Street Market Square & Parking Lot Utilities, Bid No. 2008-20  
Recommendation: 1. Accept 'C' Street Market Square & Parking Lot Utilities, Bid No. 2008-20.  
2. Authorize filing of a 'Notice of Completion' at the Office of the County Recorder.  
(Assistant City Manager)

9. Eureka Police Department General Fund Appropriation  
Recommendation: Appropriate \$25,000 from the General Fund to purchase Police Department equipment; to be offset by \$25,000 in unanticipated revenue received for CAD/RMS billing.  
(Police Chief)
10. Reservoir Maintenance & Security Project Phase 3-Roof Structure Recoating.  
Recommendation: Reject all bids on the Reservoir Maintenance and Security Project Phase 3, Bid No. 2011-9.  
(Assistant City Manager)

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## ORDINANCES/RESOLUTIONS

11. Transient Occupancy Tax Lien  
Recommendation: Introduce, waive reading, and read by title only Bill No. 834-C.S., An Ordinance of the City of Eureka Amending Chapter 35 of the Eureka Municipal Code to Authorize the use of Lien Procedures for the Collection of Delinquent Transient Occupancy Taxes.  
(City Manager)
12. Measure N, the Marina Center LCP Amendment Ballot Measure  
Recommendation: 1. Waive reading, read by title only, and adopt Bill No. 829-C.S., An Ordinance of the People of the City of Eureka, State of California, an ordinance making findings and amending the City of Eureka Local Coastal Program land use plan to allow and establish regulations for the Marina Center mixed-use development project; and  
2. Waive reading, read by title only, and adopt Bill No. 830-C.S., An Ordinance of the People of the City of Eureka State of California, an ordinance making findings and amending the City of Eureka Local Coastal Program Implementation Plan to allow and establish regulations for the Marina Center mixed-use development project; and  
3. Adopt Council Resolution, a "Resolution of the City Council of the City of Eureka, California, submitting the Local Coastal Program Amendment contained in the voter approved Measure N, the 'Marina Center Local Coastal Program Amendment Ballot Measure' to the California Coastal Commission for certification".  
(Community Development Director)

## REPORTS/ACTION ITEMS

13. Marine Life Protection Act Initiative Update

- Recommendation:
1. Receive a report from the Community Development Department; and
  2. Receive a presentation from Adam Wagschal providing an update on the North Coast MLPA Initiative process and introducing the completed North Coast Pre-MLPA Community-Based Socioeconomic Characterization and Risk Assessment.
- (Community Development Director)

14. Eureka Redevelopment Agency Web Site

- Recommendation:
- Receive Report on new Redevelopment web site.
- (Redevelopment Director)

15. **Redevelopment Agency** - Martin Slough Interceptor Phase 1-Consultant Services

- Recommendation:
1. Approve an expenditure of \$700,000 in Redevelopment EPFA Series "B" Lease Revenue Bond funds for Phase I of the Martin Slough Interceptor construction project; and
  2. Authorize staff to prepare and execute contracts with Martin Slough Interceptor project.
- (Assistant City Manager)

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## CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

Eureka Police Report

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## ADJOURNMENT

*If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.*

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## NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
  1. We may disagree, but we will be respectful of one another.
  2. All comments will be directed to the issue at hand.
  3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at [www.accesshumboldt.net](http://www.accesshumboldt.net) – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail [ppowell@ci.eureka.ca.gov](mailto:ppowell@ci.eureka.ca.gov) or contact the City Clerk's office at (707) 441-4175.

# 2

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

January 4, 2011

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 6:00 P.M. Open Session, at Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR JÄGER,

PRESENT: BRADY, ATKINS, NEWMAN, MADSEN

ABSENT:


VACANT: FOURTH WARD

MINUTES PREPARED BY:



Pamela J. Powell  
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

  
Frank F. Jäger  
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011

SUBJECT: Vacancy in Office of City Council – Ward 4

ACTION:

Mayor Frank Jäger provided a report. The following individuals addressed the Council regarding this issue:

Rex Bohn, Eureka  
Jeff Lamoree, Eureka

Council approved the Mayor's appointment of Melinda Cirabellini to fill the vacancy in the office City Council – Ward 4.

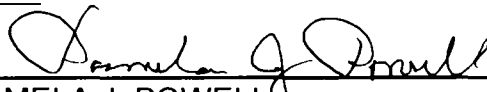
Adopted on a motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed the seal of the City of Eureka on February 3,  
2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Mayor

Agenda Item 1



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011

SUBJECT: Installation of Officer – Oath of Office

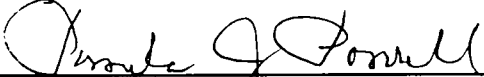
ACTION:

Mayor Jäger administered the Oath of Office for Councilmember – Ward 4 to Melinda Ciarabellini.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed the seal of the City of Eureka on February 3,  
2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item: 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: ADJOURNMENT


ACTION:

On motion by Councilmember Madsen, seconded by Councilmember Newman, and without objection, the meeting was adjourned at 4:42 P.M.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, Interim City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed the seal of the City of Eureka on February  
3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

MINUTES OF  
EUREKA CITY COUNCIL  
EUREKA REDEVELOPMENT AGENCY

January 4, 2011

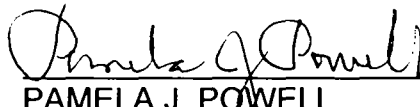
The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR JÄGER

PRESENT: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN

ABSENT: NONE

MINUTES PREPARED BY:

  
PAMELA J. POWELL  
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

\_\_\_\_\_  
FRANK JÄGER  
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Public comment prior to closed session

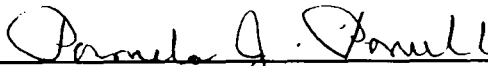
ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed the seal of the City of Eureka on February 3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

Conference legal counsel – Existing Litigation Owsley v. City of Eureka, et al  
(Humboldt Co. Superior Court No. DR091019)

Conference with legal counsel – Anticipated litigation, significant exposure to litigation:  
two cases.

Public Employment – City Manager

Upon reconvening to Open Session, it was announced that there were no final actions to report.

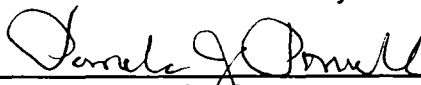
Agenda Item Closed Session

MINUTE ORDER, January 4, 2011  
ITEM: Closed Session  
PAGE: 2

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Council reports / City-related travel report


ACTION:

Councilmember Brady inquired if the Council would like to continue the past practice of Public Safety reports and how the reports would be presented.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Public Hearing – Transfer of Abandoned Utility Easements to the City of Arcata.

ACTION:

Assistant City Manager, Mike Knight provided a report. The public hearing was opened at 6:08 P.M. No one from the public addressed the council regarding this subject matter.

The public hearing was closed at 6:08 P.M.

Council determined the Easement to be surplus and determined that assigning the Easement would have a cost-neutral or positive financial benefit to the City; and Directed the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the Full Assignment of Recorded Easements.

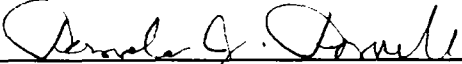
Adopted on motion by Councilmember Madsen, seconded by Councilmember Atkins, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 1



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Pat Barnum, Eureka has concerns regarding the Martin Slough Interceptor Project and the impact of the project on her personal residence.

Terri Roman Little, Director of the Montessori School invited the Council to participate in their "Our you feeling saucy" fundraiser.

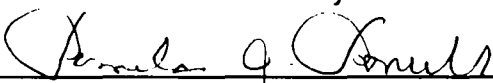
Richard Tolleson, Eureka pointed out that the agendas were printed single sided rather than double sided. He also congratulated the Council on the appointment for Ward 4.

Tina Christensen, 2136 Highway 36, support Pat Barnum and her concerns regarding the Martin Slough Interceptor Project and does not feel the use of imminent domain is needed for this project.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept.

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of November 2, 2010 and the special Council/Redevelopment Agency Board meeting minutes of November 4, 2010 as submitted.

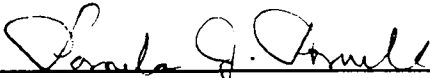
Adopted on motion by Councilmember Atkins, seconded by Councilmember , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Clerk

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Claim for damages of Weider, Liberty

ACTION:

Council rejected the claim of Liberty Weider


Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Attorney

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Reservoir Maintenance Project Phase 3 Roof Structure Recoating  
Professional Services Agreement.

ACTION:

Council authorized staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating in an amount not to exceed \$50,000.


Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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affixed the seal of the City of Eureka on February 3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Elk River Bio-solids Project

ACTION:

Council awarded Bid No. 2011-08 to the lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$213,031; and  
Approved a contingency in the amount of \$1,900 for laboratory analysis if necessary.

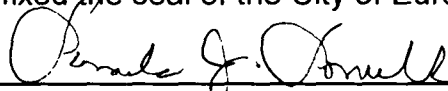
Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 3, 2011.

  
\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: "C" Street Repair

ACTION:

Council authorized payment of \$27,866 to RAO Construction Company for the C Street repair and appropriated Proposition 42 funding in the amount of \$27,866 for the C Street repair.

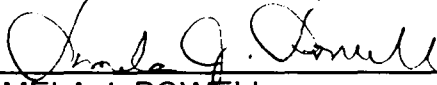
Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Engineering

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: New Direction - NCRC

ACTION:

Council authorized the City Manager to execute an agreement with the North Coast Resource Center for the work plan for the Humboldt Bay Public Access Enhancement Project and appropriated \$17,700 from General Fund Reserves to fund the proposed program.

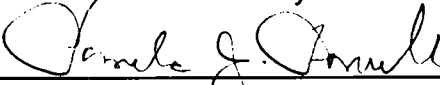
Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Elk River Access/Iksori Trail Project; consolidate Coastal Permit Authority with Coastal Commission.

ACTION:

Council adopted Resolution No. 2011-01 of the City Council of the City of Eureka consenting to the Consolidation of Coastal Permitting Action with the California Coastal Commission for the Elk River Access/Iksori Trail Project, and delegating to the Director of Community Development Authority to consent to future Coastal Permit Consolidations.

Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

Originating Dept. Community Development

Agenda Item 9



CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: 2010 California Fire Code

ACTION: Assistant Fire Chief Rusty Goodlive provided a report. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only, and introduced Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, adoption of the California Fire and Life Safety Code repealing Sections 92.01 through 92.06 and replacing with new section 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments; and

Adopted Resolution No. 2011-03 of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California code of Regulations (CCR), Title 24, Part 9 are necessary because of local climatic geological or topographical conditions.

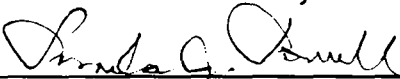
Adopted on motion by Councilmember Brady, seconded by Councilmember Newman, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. Fire

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: 2010 California Building Standards Code

ACTION:

Chief Building Official Brian Gerving provided a report. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only and adopted Bill No. 832-C.S., Ordinance No. 763-C.S. amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new section 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.

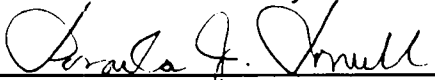
Adopted on motion by Councilmember Atkins, seconded by Councilmember Ciarabellini , and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: State Video Service Franchises Ordinance (aka "DIVCA Ordinance")

ACTION:

City Manager, David Tyson provided a report. No one from the public addressed the council regarding this subject matter.

Council waived reading, read by title only, and adopt Bill No. 831-C.S., Ordinance No. 762-C.S. adding Sections 114.57-114.64 (State Video Service Franchises) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Completion Act of 2006, codified in California Public Utilities Cod Section 5800 Et Seq., which the City is required to administer and enforce throughout the City.

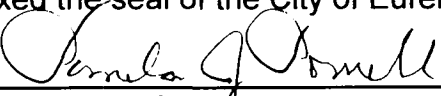
Adopted on motion by Councilmember Madsen, seconded by Councilmember Atkins, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: The Greater Eureka Chamber of Commerce Funding Agreement

ACTION:

City Manager, David Tyson provided a report along with J Warren Hockaday of the Eureka Chamber of Commerce. The following individuals addressed the council regarding this subject matter:

Dave Ober, Eureka

Tina Christensen

Jeff Lamoree, President, Sequoia Park Zoo Foundation

Tony Smithers, Executive Director Humboldt County Convention and Visitors Bureau

Council authorized the City Manager to notify the Chamber of the City desire to extend the "Funding Agreement" for one year effective January 1, 2011; and authorized payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT) and not to exceed \$100,000 per the City's approved budget. Direction was given to the Manager to negotiate a clause in the funding agreement formalizing the ability of the City to re-open the agreement regarding 7.5% TOT funding commitment should it be necessary due to budget reductions; and that two Council members serve as liaisons from the Council to the Chamber of Commerce.

Adopted on motion by Councilmember Madsen, seconded by Councilmember Ciarabellini, and the following vote:

AYES: BRADY, NEWMAN, CIARABELLINI, MADSEN

NOES: ATKINS

ABSENT: NONE

ABSTAIN: NONE

MINUTE ORDER, January 4, 2011

ITEM: 13

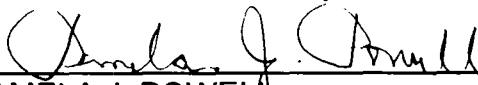
PAGE: 2

Without objection, Mayor Jäger appointed Councilmember Madsen and Councilmember Ciarabellini as Council liaisons to the Chamber of Commerce.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Medical Cannabis RFQ Status Report

ACTION:

Community Services Director Sidnie Olson provided a report. The following individuals addressed the council regarding this subject matter:

Jeff Leonard, Eureka  
Richard Tolleson, Eureka

Council gave direction to amend the Medical Cannabis RFQ Review Committee to include current members Jeff Leonard and Paul Hagens and then to add Councilmember Atkins and Councilmember Brady. The Medical Cannabis RFQ Review Committee will then select a member at large with business experience to serve on the committee.

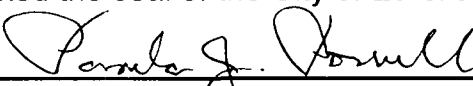
Adopted on motion by Councilmember Atkins, seconded by Councilmember Madsen, and the following vote:

AYES: BRADY, ATKINS, NEWMAN, CIARABELLINI, MADSEN  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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PAMELA J. POWELL  
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: City Manager/Executive Director's reports

ACTION:

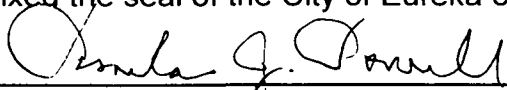
City Manager Tyson provided information regarding the following:

- Possibility of meetings within each Councilmember's Ward to solicit information from citizens.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of January 4, 2011.

SUBJECT: Adjournment

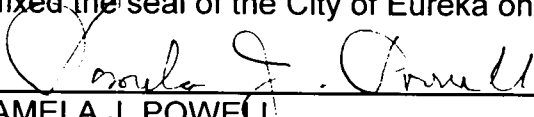
ACTION:

Without objection, Mayor Jager adjourned the meeting at 7:39 P.M.

STATE OF CALIFORNIA )  
County of Humboldt ) ss.  
City of Eureka )

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\_\_\_\_\_  
PAMELA J. POWELL  
CITY CLERK



**AGENDA SUMMARY****RE: HUMBOLDT PROPERTY MANAGEMENT****FOR AGENDA DATE: FEB. 15, 2011****AGENDA ITEM No.:** 3**RECOMMENDATION:**

Reject the claim for damages.

**SUMMARY:**

Tort claim in which claimant alleges destruction of door by Eureka Police officer.

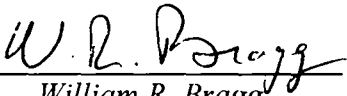
**PROCEDURE:**

The proposed rejection of a claim is one step in what is typically a multi-step process, as provided for by the City Municipal Code, and the City tort claims and review process. Unless the claim is patently due and payable to the claimant, all claims are

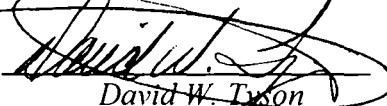
*Continued page 2***FISCAL IMPACT:**

Claimant seeks unspecified damages.

**CITY ATTORNEY SIGNATURE**

  
 William R. Bragg  
 City Attorney

**CITY MANAGER SIGNATURE:**

  
 David W. Tyson  
 City Manager

**REVIEWED BY:**
 Risk Manager  
 Chief of Police
**DATE:**
 2/10/11  
 2/10/11
**INITIALS:**
 PJP  
 GN
**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**SUMMARY** *(continued)*

commonly rejected by the City Council at this phase. The claim is then forwarded to the coverage joint powers authority for any further appropriate action. This might include further investigation of the claim, if any appears indicated, settlement in some cases, or the defense of an ensuing legal action, as the facts and circumstances warrant.

Eureka Municipal Code § 39.22 provides the City Council with the following options:

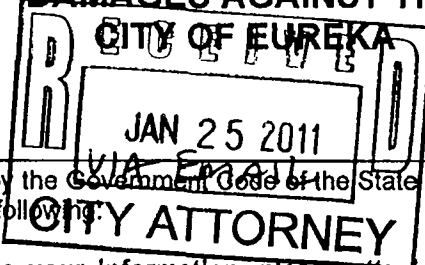
- *Reject the claim*
- *Allow the claim*
- *Allow the Claim in part, and reject it in part, if the claim is deemed valid, but the amount claimed is found to be incorrect*
- *Reject or compromise the claim if legal liability is disputed*
- *If the City Council allows the claim in whole or in part or compromises the claim, it may require the claimant, if he accepts the amount allowed or offered, to settle the claim, to accept it in settlement of the entire claim.*

In practice, however, the City's discretion in handling claims is somewhat constrained by the City's self-insurance memorandum of coverage with the Redwood Empire Municipal Insurance Fund (REMIF). In order to maintain coverage, the City has agreed to certain terms that are common in coverage agreements, including giving REMIF: the right to control, investigate, settle, or defend any claim that is covered by the coverage agreement.

Staff believes that the proposed rejection of this claim is appropriate at this time, based on currently available information, and is in conformance with the City's agreement with REMIF regarding handling of claims.

File with:  
City of Eureka  
531 "K" Street  
Eureka, CA 95501

**CLAIM FOR MONEY OR  
DAMAGES AGAINST THE**



RESERVE FOR FILING STAMP

CLAIM NO. \_\_\_\_\_

A claim must be presented, as prescribed by the Government Code of the State of California, by the claimant or a person acting on his/her behalf and shall show the following:

If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered.

1. Name and Post Office address of the Claimant:

Name of Claimant: Humboldt Property Mgmt  
Post Office Address: 954 H St  
Arcata CA 95521

2. Post Office address to which the person presenting the claim desires notices to be sent:

Name of Addressee: Humboldt Property Telephone: 707 825 1508  
Post Office Address: 954 H St.  
Arcata CA 95521

3. The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date of Occurrence: 11/28/10 Time of Occurrence: 2:00 PM  
Location: 134 W. Clark  
Circumstances giving rise to this claim:  
Police responded to a disturbance at this address  
and determined a need to gain immediate access  
so door was broken down

4. General description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim.

The loss is for the cost of door replacement

5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.

Officer G. Whitmer of the EPD  
Case Number 3C10-9726

6. **If amount claimed totals less than \$10,000:** The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Amount Claimed and basis for computation: \$606.95 - the actual cost  
to replace the door and jamb

**If amount claimed exceeds \$10,000:** If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000. (See CCP § 86.)

☐ Limited Civil Case

☐ Unlimited Civil Case

You are required to provide the information requested above, plus your signature on page 3 of this form, in order to comply with Government Code §910. In addition, in order to conduct a timely investigation and possible resolution of your claim, the city requests that you answer the following questions.

7. Claimant(s) Date(s) of Birth:

8. Name, address and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

9. If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

*If applicable, please attach any medical bills or reports or similar documents supporting your claim.*

10. If the claim relates to an automobile accident:

Claimant(s) Auto Ins. Co.:

Telephone:

Address:

Insurance Policy No.:

Insurance Broker/Agent:

Telephone:

Address:

Claimant's Veh. Lic. No.:

Vehicle Make/Year:

Claimant's Drivers Lic. No.:

Expiration:

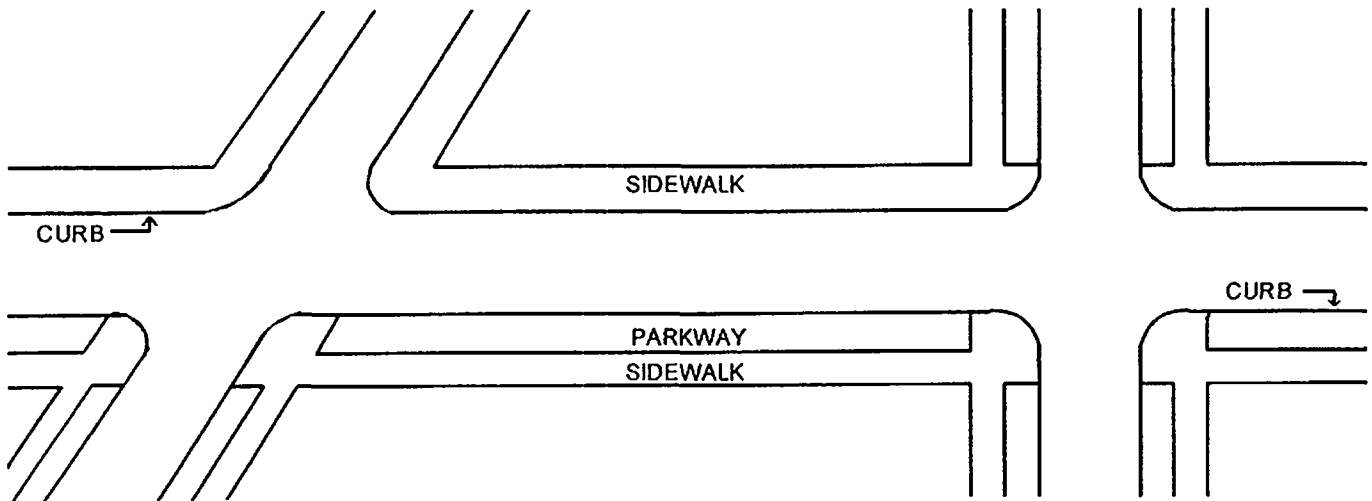
*If applicable, please attach any repair bills, estimates or similar documents supporting your claim.*

**READ CAREFULLY**

For all accident claims, place on following diagram name of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If /Agency Vehicle was involved, designate by letter "A" location of /Agency Vehicle when you first saw it, and by "B" location of yourself or your vehicle when you first saw

/Agency Vehicle; location of /Agency vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X."

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



**Warning:** Presentation of a false claim with the intent to defraud is a felony (Penal Code §72). Pursuant to CCP §1038, the /Agency may seek to recover all costs of defense in the event an action is filed which is later determined not to have been brought in good faith and with reasonable cause.

Signature:

*Alan J.*

Date:

12/22/16

CAD/CASE# 3C10-9726

OFFICER WILSON

FORCED FRONT COMMAND

DOOR.

134 W Clark #3

441 4147



G. Whitmer

#T71

Senior Traffic Officer  
EUREKA POLICE DEPARTMENT

604 C Street  
Eureka, CA 95501-0341  
(707) 441-4232  
(707) 441-4334 Fax  
gwhitmer@ci.eureka.ca.gov

CALEB WILLIAMS  
GLENN WISHNEFF  
A Partnership in Construction  
PO Box 246 Eureka CA 95502  
Cn License #B, C-36 871908

# Invoice

Date: 12/20/2010  
Invoice #: 13488

**Submitted To:**

Alan Gunn  
Humboldt Property Management  
954 H Street  
Arcata, CA 95521  
707/825-1508

**Job Address**

134 W. Clark St.

**Apt #**

common area

**City**

Eureka

**Zip**

95501

**Work Order #**

17186

Description	Hours/Qty	Item Cost/HourlyRate	Flat Rate	Amount
<b>MATERIALS:</b>				
prehung custom order 6 panel exterior door, shims, trim, caulk, charged to HPM \$331.95				
6" screws, trim, door hole cover, disposal fee		25.00		25.00
<b>LABOR:</b>				
	6.25	40.00		250.00

**JOB DESCRIPTION:**

Custom install of new prehung door. Haul away old door and frame. Install new trim as needed and caulk. Reused old entry lock.

All work is complete!

**Total**

\$275.00

Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, California, 95826

**Payments/Credits**

\$0.00

**Payable to**

Glenn Wishneff and/or Caleb Williams

\$275.00

#1 Replace door  
134 Chin

**AGENDA SUMMARY**

**RE: APPROPRIATION OF DONATED FUNDS FOR  
EUREKA VOLUNTEER PATROL EQUIPMENT  
PURCHASE.**

**FOR AGENDA DATE: FEB 15, 2011**

**AGENDA ITEM No.:**

4

**RECOMMENDATION:**

1. Authorize appropriation of donated funds to Account # 110-42100-7490 for the purchase of (1) Panasonic Toughbook laptop computer and accessories.

**SUMMARY:** Members of the Eureka Volunteer Patrol (EVP) perform a valuable service to the City of Eureka and the Eureka Police Department. Examples of duties they perform include conducting vacation security checks, school and park patrols, high visibility foot patrols, crime scene containment, and supplementing sworn officers for traffic control just to name a few.

The Eureka Volunteer Patrol has a designated marked patrol car, however this vehicle does not currently have a Mobile Data Computer. Mobile Data Computers are installed in the remainder of our patrol unit fleet, and these computers allow our officers access to CAD (Computer Aided Dispatching), AS 400 information, mug shot photographs, etc. For information sharing purposes as well as for officer safety reasons, staff recommends that a Mobile Data Computer be installed in the Eureka Volunteer Patrol car.

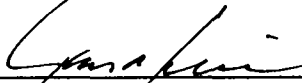
The quote from CDW Government includes (1) Panasonic CF-31 Toughbook computer, an 80 watt DC adaptor, a Gamber mounting cradle, and a Pan GOBI internal air card.

*Prepared by Lt. Len Johnson*


**FISCAL IMPACT:** No impact on the General Fund.

Appropriate \$4,718 from donated fund reserves (36509-1238) to account 110-42100-7490.

**DEPARTMENT HEAD SIGNATURE:**

  
Garr Nielsen  
Police Chief

**CITY MANAGER SIGNATURE:**

  
David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney  
Finance

**DATE:**

\_\_\_\_\_  
\_\_\_\_\_

**INITIALS:**

\_\_\_\_\_  
\_\_\_\_\_

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_





CDWG.com | 800.594.4239

OE400SPS

## SALES QUOTATION

BXFG400

10578106

1/20/2011

**BILL TO:**  
ERIK SORENSEN  
531 K ST**SHIP TO:**  
CITY OF EUREKA  
Attention To: ERIK SORENSEN  
531 K STAccounts Payable  
EUREKA, CA 95501-1146EUREKA, CA 95501-1146  
Contact: ERIK  
SORENSEN 707.268.5252

Customer Phone #707.268.5252

Customer P.O. # PANCE-317

ACCOUNT MANAGER		SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE	
JOHN BAUTISTA 877.810.5987		UPS Ground (2-3 days)	Master Card / VISA		
QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE	
1	2166315	BTO PAN TB 31 I5-520M 160GB 2GB W7 Mfg#: PNB-CF-31AAAAX1M Contract: MARKET	3,950.09	3,950.09	
1	566912	LIND PANASONIC 80 WATT DC ADAPTER Mfg#: LND-PA1555-968 Contract: MARKET	109.38	109.38	
1	748819	GAMBER CRADLE PANASONIC CF27 CF28 Mfg#: GMJ-NP-PAN-CRADLE Contract: MARKET	109.69	109.69	
1	2103427	PAN GOBI2000 FIELD UPG F/ CF-31MK1 Mfg#: PNB-31GOBI2000FU Contract: MARKET	173.51	173.51	
1	654809	RECYCLING FEE WITH SIZE GREATER THAN 4" TO LESS THAN 15"	6.00	6.00	
Fee Applied to Item: 2166315					
SUBTOTAL				4,348.67	
FREIGHT				0.00	
TAX				369.12	
				US Currency	
TOTAL				4,717.79	

CDW Government  
230 North Milwaukee Ave.  
Vernon Hills, IL 60061  
Phone: 847.371.5000

Fax: 312-705-4696

**Please remit payment to:**  
CDW Government  
75 Remittance Drive  
Suite 1515  
Chicago, IL 60675-1515

**AGENDA SUMMARY**

**RE: FINANCE DEPARTMENT  
RECORDS DESTRUCTION LIST**

**FOR AGENDA DATE: FEBRUARY 15, 2011**

**AGENDA ITEM NO.:**

5

**RECOMMENDATION:**

1) Adopt the attached Resolution of the City Council of the city of Eureka to authorize the destruction of certain records.

**SUMMARY:**

Section 34090 of the California Government code requires that a resolution of the City Council must be prepared for the destruction of certain records. On December 15, 1998 the Council approved a Finance Department Policy for future Records Retention. The attached list of records proposed to be destroyed was prepared according to that policy.

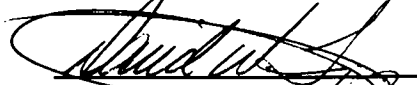
**STAFF RECOMMENDATION:**

Staff recommends the city Council adopt a resolution authorizing the destruction of city records in accordance with the City's record retention policy

**FISCAL IMPACT:** None.

**DEPARTMENT HEAD SIGNATURE:**


Paul Rodrigues  
Finance Director

**CITY MANAGER SIGNATURE:**


David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney

**DATE:**

1-24-11

**INITIALS:**

URB

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

Description	Year	Month	Max R	Location	Yr to be Destroy
Audit Worksheet Files	1998/1999		10	Basement	2009/2010
Labor Statistics Report-Monthly	1998/99		10	Basement	2009/2010
PERS Annual Statements	1993/94		15	Basement	2009/2010
Quarterly Reports-Federal & State	1993/94		15	Basement	2009/2010
Time Cards	1993/94		15	Basement	2009/2010
Credit Unions	2006/2007		2	Basement	2009/2010
DE3 Edit	1993/1994		15	Basement	2009/2010
Direct Deposits	2006/2007		2	Basement	2009/2010
Cash Handling-Interdepartmental	2006/2007		2	Admin Files	2009/2010
Cash Trial Detail for Bank Reconciliation	1998/1999		2	Accounting	2009/2010
Cash Trial Detail for Bank Reconciliation	2006/2007		2	Accounting	2009/2010
Compensated Absences	1998/1999		10	Basement	2009/2010
Confirmation Letters	1998/1999		10	Admin Files	2009/2010
Cost Allocation	1998/1999		10	Basement?	2009/2010
Data Entry Edit Printouts	2006/2007		2	Basement	2009/2010
Deferred Compensation Notes	1998/1999		10	Accounting	2009/2010
Employee Organizations	2006/2007		2	Basement	2009/2010
Group Health & Life Insurance	2006/2007		2	Basement	2009/2010
ICMA	2006/2007		2	Basement	2009/2010
G/L Transactions	1998/1999	Apr-J	10	Basement	2009/2010
G/L Transactions	1998/1999		10	Vault	2009/2010
Miscellaneous Employee Deductions	2006/2007		2	Basement	2009/2010
Payroll Benefit ank Balances	1993/1994		15	Basement	2009/2010
Payroll G/L Interface	2003/2004		5	Basement	2009/2010
Workers Compensation	2006/2007		2	Basement	2009/2010
Turn-ons/off	2006/2007		2	Basement	2009/2010
Utility Financial Adjustments	2003/2004		5	Basement	2009/2010
G/L Update	1998/1999		10	Vault	2009/2010
Miscellaneous Audit File - Gregor	2004/2005		4	Admin Files	2009/2010
Object Code Report	1998/1999		10	Vault	2009/2010
PERS Disclosures	1998/1999		10	Basement	2009/2010
PERS Surplus Accounting	1998/1999		10	basement	2009/2010
Payroll JE Vouchers	1998/1999		10	Basement	2009/2010
Payroll JE Vouchers	1998/1999		10	Basement	2009/2010
Petty Cash - Letters	1998/1999		10	Admin Files	2009/2010
Pre-closing Trial Balance	1998/99		10	Accounting	2009/2010
Redeemed Checks	1998/1999	Jul-O	10	Office-3 Drawe	2009/2010
Redeemed Checks	1998/1999	Apr-O	10	Office-3 Drawe	2009/2010
Redeemed Checks	1998/1999	Aug	10	Office-3 Drawe	2009/2010
SB 90 Mandated Costs	1998/1999		10	Admin Files	2009/2010
Trial Detail (Full Year - 3 books)	1993/94		15	Vault	2009/2010
A/P Files	1997/1998		10		2009/2010
A/P Files	1998/1999		10		2009/2010
Bulk Mailing	1998/1999		10	Basement	2009/2010
Postage Worksheets (Bulk)	1998/1999		10	Basement	2009/2010
Checks	1993/1994		15	Vault	2009/2010

Description	Year	Month	Max R	Location	Yr to be Destroy
Checks - Group Health	1993/1994		15	Vault	2009/2010
Offline Checks Report	2003/2004		5	Basement?	2009/2010
Open P.O. by Account Number Listing	1998/1999		10	Basement?	2009/2010
P.O. Copies - Numeric	2004/2005		4	Basement?	2009/2010
Payables	1998/1999		10	Basement?	2009/2010
Payroll Payables	1998/1999		10	Basement	2009/2010
Petty Cash	1998/1999		10	Basement	2009/2010
Property Tax Payment Stubs	1998/1999		10	Office	2009/2010
Bank Reconciliation - General	1998/1999		10		2009/2010
Bank Reconciliation - Group Health	1998/1999		10		2009/2010
Bank Reconciliation - Workers Comp	1998/1999		10		2009/2010
Checks Cleared - Group Health	2006/20007		2	Basement	2009/2010
Daily Cash Reconciliations	1998/1999		10	Basement	2009/2010
Daily Cash Reconciliations	1998/1999		10	Basement	2009/2010
Daily Deposits	2006/2007		2	destroyed	2009/2010
Budget Files-by Department	1998/2009		10	basement	2009/2010
Budget Files-by Department	1998/1999		10	Basement	2009/2010
Budget Report	1998/1999	Jan-J	10	Vault	2009/2010
Budget Report Summary	1998/1999		10	Vault	2009/2010
Fixed Assets Files	1988/89		20	Basement	2009/2010
Fixed Assets Files	1988/89		20	Basement	2009/2010
JE's	1998/1999		10		2009/2010
A/R	1998/1999		10	Basement	2009/2010
Final Register	1993/94		15	Vault?	2009/2010
Full Comp	1993/94		15	Vault?	2009/2010
ICMA Annual Statements	1998/99		10	Basement	2009/2010
PERS Annual Statements	1993/94		15	Basement	2009/2010
Payroll Benefit Bank Balances	1993/94		15	Vault?	2009/2010
Quarterly Reports- Federal & State	1993/94		15	Basement	2009/2010
Time Cards	1993/94		15	Vault?	2009/2010
Bids	1993/94		15	Basement	2009/2010
Meter Reads	2006/2007		2		2009/2010
Utility Payments - Stubs	2006/2007		2	Office-Cabinet	2009/2010
Utility Payments Edits/Postings	2003/2004		5	Office	2009/2010
Bank Reconciliation - Medicare GH	1998/1999		10	Basement	2009/2010
Expenditure Report	2004/2005		4	Accounting	2009/2010
Full G/L	2004/2005		4	Accounting	2009/2010
Property Tax Revenues	1998/1999		10	Basement	2009/2010
Rentals Reconciliations	2003/2004		5	Accounting	2009/2010
Revenue Report	2004/2005		4	Accounting	2009/2010
SBR's	1998/1999		10	Basement	2009/2010
Budget Transfers	2003/2004		5	Basement	2009/2010
Building Fee Analysis	1998/99		10	Accounting	2009/2010
A/P Files	1998/99		10	Office	2009/2010
A/R	1998/99		10	Office	2009/2010
Annual Reports-St Controller - F&P Reti	1998/99		10	Admin Files	2009/2010

Description	Year	Month	Max R	Location	Yr to be Destroy
Annual Reports-St Controller - Financial	1998/99		10	Admin Files	2009/2010
Annual Reports-St Controller - Redevelo	1998/99		10	Admin Files	2009/2010
Annual Reports-St Controller - Sales Ta	1998/99		10	Admin Files	2009/2010
Annual Reports-St Controller - Spec. Dis	1998/99		10	Admin Files	2009/2010
Annual Reports-St Controller - Streets	1998/99		10	Admin Files	2009/2010
Annual Reports-St Controller - Transit	1998/99		10	Admin Files	2009/2010
Appropriations Detail	1998/99		10	Accounting	2009/2010
Audit Worksheet Files	1998/99		10	Office	2009/2010
Bank Reconciliation - General	1998/99		10	Accounting	2009/2010
Bank Reconciliation - Group Health	1998/99		10	Accounting	2009/2010
Bank Reconciliation - Medicare GH	1998/99		10	Accounting	2009/2010
Bank Reconciliation - Payroll	1998/99		10	Accounting	2009/2010
Budget Files-by Department	1998/99		10	Vault	2009/2010
Cash Flow Analysis	1998/99		10	Accounting	2009/2010
Cash Receipts Edit	1998/99		10	Basement	2009/2010
Compensated Absences	1998/99		10	Accounting	2009/2010
Confirmation Letters	1998/99		10	Accounting	2009/2010
Copy Costs	1998/99		10	Accounting	2009/2010
ERA Special Fund	1998/99		10	Accounting	2009/2010
Full G/L	2004/2005		4	Accounting	2009/2010
G/L Summary	2004/2005		4	Accounting	2009/2010
Harbor Loan Special Fund	1998/99		10	Accounting	2009/2010
HAZMAT Worksheets	1998/99		10	Accounting	2009/2010
Interest Allocation	1998/99		10	Accounting	2009/2010
Investment Reports - Council/Chandler	1998/99		10	Accounting	2009/2010
Investment Reports - General	1998/99		10	Accounting	2009/2010
Investments	1998/99		10	Accounting	2009/2010
JE's (#10559-11118, #11117-13571)	1998/99		10	Accounting	2009/2010
LAIF Monthly Statements	1998/99		10	Accounting	2009/2010
Loans-Monthly JE's	1998/99		10	Accounting	2009/2010
Loans-U.S.E. Credit Reimb. to City-Che	1998/99		10	Accounting	2009/2010
Payroll Payables	1998/99		10	Accounting	2009/2010
PERS Surplus Accounting	1998/99		10	Accounting	2009/2010
Postage Worksheets (Bulk)	1998/99		10	Accounting	2009/2010
Property Tax Revenues	1998/99		10	Accounting	2009/2010
REMIF Exp. Liability Report	1998-99		10	Accounting	2009/2010
Revenue Files	1998/99		10	Office	2009/2010
Revenue Report	1998/99		4	Accounting	2009/2010
Sales Tax Reports-Quarterly	1998/99		10	Accounting	2009/2010
SBR's	1998/99		10	Accounting	2009/2010
Expenditure Report	2004/2005		4	Accounting	2009/2010
Cash Trial Detail for Bank Reconciliation	2006/2007		2	Accounting	2009/2010
Cost Allocation	1999/00		10	Basement	2009/2010
Copy Costs	1999/2000		10	Basement	2009/2010
Payroll JE Vouchers	1999/2000		10	Basement	2009/2010
G/L Summary	2005/2006		4	Accounting	2009/2010

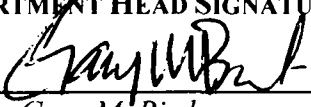
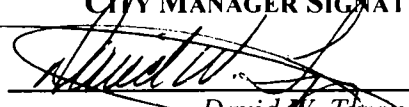
Description	Year	Month	Max R	Location	Yr to be Destroy
Full G/L	2005/2006		4	Accounting	2009/2010
PERS Surplus Accounting	1998/1999		10	Accounting	2009/2010
Expenditure Report	2004/2005		4	Accounting	2009/2010
Rentals Reconciliations	2003/2004		5	Accounting	2009/2010
Revenue Report	2004/2005		4	Accounting	2009/2010
Proposed Budget Documents	2003/2004		4	Vault	2009/2010
Budget Transfers	2002/2003		5	Accounting	2009/2010
Utility Payments - Stubs	2006/2007		2	Office-Cabinet	2009/2010
Budget Transfers	2003/2004		5	Accounting	2009/2010
Dog Licenses - Alpha	2003/2004		5	Office	2009/2010
Dog Licenses - Numeric	2003/2004		5	Office	2009/2010
Payroll G/L Interface	2003/2004		5	Vault	2009/2010
Payroll Handwritten Check Copies	2003/2004		5	Accounting	2009/2010
Project Reports	2003/2004		5	Accounting	2009/2010
Rentals Reconciliations	2003/2004		5	Accounting	2009/2010
Utility Payments - Stubs	2006/2007		2	Office-Cabinet	2009/2010
Utility Payments Edits/Postings	2003/2004		5	Office	2009/2010
Utility Reconciliations	2003/2004		5	Accounting	2009/2010

Description	Year	Month	Max Re	Location	Yr to be Des
Trial Detail (Full Year - 3 books)	1994/95		15	Vault	2010/2011
A/P Files	1999/2000		10	Basement	2010/2011
Fixed Assets Files	1989/90		20	Basement	2010/2011
Fixed Assets Files	1989/90		20	Basement	2010/2011
Accruals-Payroll	1994/95		15	Basement	2010/2011
Final Register	1994/95		15	Vault?	2010/2011
Final Register	1994/95	1/20-3/7/95	15	Basement	2010/2011
Final Register	1994/95	5/22-7/7/95	15	Basement	2010/2011
Final Register	1994/95	7/22-9/6/94	15	Basement	2010/2011
Final Register	1994/95	Mar-May	15	Basement	2010/2011
Final Register	1994/95	Nov	15	Basement	2010/2011
Full Comp	1994/95		15	Vault?	2010/2011
Full Comp	1994/95	5/22-7/7/95	15	Basement	2010/2011
Full Comp	1994/95	5/22-7/7/95	15	Basement	2010/2011
Full Comp	1994/95	Jan-Mar	15	Basement	2010/2011
Full Comp	1994/95	Jul-Sep	15	Basement	2010/2011
Full Comp	1994/95	Mar-May	15	Basement	2010/2011
Full Comp	1994/95	Sep-Oct	15	Basement	2010/2011
PERS Annual Statements	1994/95		15	Accounting	2010/2011
PERS Worksheets	1994/95		15		2010/2011
Payroll Benefit Bank Balances	1994/95		15	Vault?	2010/2011
Quarterly Reports- Federal & State	1994/95		15	Accounting	2010/2011
Taxable Wages	1994/95		15	Vault?	2010/2011
Time Cards	1994/95		15	Vault?	2010/2011
Bids	1994/95		15	Sanna's Of	2010/2011
Bank Reconciliation - Medicare GH	1999/2000		10	Basement	2010/2011
Building Fee Analysis	1999/2000		10	Accounting	2010/2011
A/P Files	1999/2000		10	Office	2010/2011
A/R	1999/2000		10	Office	2010/2011
Annual Reports-St Controller - F&P Retir	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Financial	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Redevelo	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Sales Tax	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Spec. Dis	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Streets	1999/2000		10	Admin File	2010/2011
Annual Reports-St Controller - Transit	1999/2000		10	Admin File	2010/2011
Appropriations Detail	1999/2000		10	Accounting	2010/2011
Audit Worksheet Files	1999/2000		10	Office	2010/2011
Bank Reconciliation - General	1999/2000		10	Accounting	2010/2011
Bank Reconciliation - Group Health	1999/2000		10	Accounting	2010/2011
Bank Reconciliation - Medicare GH	1999/2000		10	Accounting	2010/2011
Bank Reconciliation - Payroll	1999/2000		10	Accounting	2010/2011
Budget Files-by Department	1999/2000		10	Vault	2010/2011
Cash Flow Analysis	1999/2000		10	Accounting	2010/2011
Cash Receipts Edit	1999/2000		10	Basement	2010/2011
Check # Audit (used for bank reconciliat	1999/2000		10	Accounting	2010/2011

Description	Year	Month	Max Re	Location	Yr to be Des
Compensated Absences	1999/2000		10	Accounting	2010/2011
Confirmation Letters	1999/2000		10	Accounting	2010/2011
ERA Special Fund	1999/2000		10	Accounting	2010/2011
Harbor Loan Special Fund	1999/2000		10	Accounting	2010/2011
HAZMAT Worksheets	1999/2000		10	Accounting	2010/2011
Interest Allocation	1999/2000		10	Accounting	2010/2011
Investment Reports - Council/Chandler	1999/2000		10	Accounting	2010/2011
Investment Reports - General	1999/2000		10	Accounting	2010/2011
Investments	1999/2000		10	Accounting	2010/2011
JE's (#10559-11118, #11117-13571)	1999/2000		10	Accounting	2010/2011
LAIF Monthly Statements	1999/2000		10	Accounting	2010/2011
Loans-Monthly JE's	1999/2000		10	Accounting	2010/2011
Loans-U.S.E. Credit Reimb. to City-Chec	1999/2000		10	Accounting	2010/2011
Payroll Payables	1999/2000		10	Accounting	2010/2011
PERS Surplus Accounting	1999/2000		10	Accounting	2010/2011
Postage Worksheets (Bulk)	1999/2000		10	Accounting	2010/2011
Property Tax Revenues	1999/2000		10	Accounting	2010/2011
REMIF Exp. Liability Report	1999-2000		10	Accounting	2010/2011
Revenue Files	1999/2000		10	Office	2010/2011
Sales Tax Reports-Quarterly	1999/2000		10	Accounting	2010/2011
SBR's	1999/2000		10	Accounting	2010/2011
Cost Allocation	2000/01		10	Basement	2010/2011
Copy Costs	2000/2001		10	Basement	2010/2011
Payroll JE Vouchers	2000/2001		10	Basement	2010/2011



EUREKA CITY COUNCIL  
**AGENDA SUMMARY**

<b>RE: REQUEST FOR EXCEPTION TO THE HIRING FREEZE</b>	<b>FOR AGENDA DATE: FEBRUARY 15, 2011</b>  <b>AGENDA ITEM NO.:</b> <span style="font-size: 1.5em; margin-left: 100px;">6</span>	
<b>RECOMMENDATION:</b>  1. Approve an exception to the hiring freeze for the Community Development Director position		
<b>SUMMARY:</b>  With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council.  The City Manager requests authorization to fill the position of Community Development Director due to the impending retirement on March 31, 2011 of the current director. The position plans, organizes, manages and provides administrative direction and oversight for all functions and activities of the Community Development Department, including current planning, advance planning, zoning, and environmental impact studies.  This is a Department/Division Head position in the City. The position has historically been a key member of the City's management team, and a critical component of the City's overall approach to developing and implementing land use regulation, zoning laws, General Plan guidelines and the associated public participation processes in the City of Eureka.  It is requested that the Council determine whether to exempt this position from the hiring freeze and authorize it to be filled. The position is already included in the FY10/11 budget; and is paid out of the General Fund.		
<b>FISCAL IMPACT:</b>  The cost of filling this position is \$117,391 annually at a Step 3, fully benefited salary rate. The position is already included in the FY10/11 budget; and is paid out of the General Fund.		
<b>DEPARTMENT HEAD SIGNATURE:</b>   _____ Gary M. Bird Personnel Director	<b>CITY MANAGER SIGNATURE:</b>   _____ David W. Tyson City Manager	
<b>REVIEWED BY:</b> Community Development Finance	<b>DATE:</b> <u>2/9/2011</u> <u>2/9/2011</u>	<b>INITIALS:</b> <u>SLO/sg</u> <u>PR/sg</u>
<b>Council Action:</b>  Ordinance No. _____ Resolution No. _____		

EUREKA CITY COUNCIL  
**AGENDA SUMMARY**

**RE: REQUEST FOR EXCEPTION  
TO THE HIRING FREEZE**

**FOR AGENDA DATE: FEBRUARY 15, 2011**

**AGENDA ITEM NO.:**

7

**RECOMMENDATION:**

1. Approve an exception to the hiring freeze for a Treatment Plant Operator I/II position.

**SUMMARY:**

With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council.

Due to a recent resignation on February 4, 2011, the Public Works Department requests authorization to fill the position of a Treatment Plant Operator I/II, which is already included in the FY10/11 budget; and is paid out of the Water and Wastewater Funds. This position is necessary to maintain certified Treatment Plant Operators during all work shifts as required by State and Federal Regulations.

The Public Works Department requests Council determine whether to exempt this position from the hiring freeze and authorize it to be filled.

**FISCAL IMPACT:**

The cost of filling this position at Treatment Plant Operator I, Step 3 salary rate is \$58,925.00 annually. The cost of filling this position at Treatment Plant Operator II, Step 3 salary rate is \$63,264.00 annually. This position is already included in the FY 10/11 budget, and is paid from the Water and Wastewater Funds, not the General Fund.

**DEPARTMENT HEAD SIGNATURE:**



Gary M. Bird  
Personnel Director

**CITY MANAGER SIGNATURE:**



David W. Tyson  
City Manager

**REVIEWED BY:**

Public Works  
Finance

**DATE:**

2/9/11  
2/9/11

**INITIALS:**

BY/83  
PR/83

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AGENDA SUMMARY**

**RE: 'C' STREET MARKET SQUARE & PARKING  
LOT UTILITIES  
Bid No. 2008-20**

**FOR AGENDA DATE: FEBRUARY 15, 2011**

**AGENDA ITEM NO.:**

8

**RECOMMENDATION:**

1. Accept 'C' Street Market Square & Parking Lot Utilities, Bid No. 2008-20.
2. Authorize filing of a 'Notice of Completion' at the Office of the County Recorder.

**SUMMARY:**

The 'C' Street Market Square & Parking Lot Utilities project includes construction of a 60-foot wide plaza along the 240-foot length of 'C' Street between the Boardwalk and First Street and a Market Square consisting of a 17,000 square-foot plaza area at the southeastern corner of 'C' Street and the Boardwalk, as well as installation of underground utilities in the future 41-space public parking lot on the westerly side of 'C' Street, south of the Fisherman's Terminal Building.

This project was brought before Council on October 20, 2009, and awarded to Ford Logging, Inc. DBA Pacific Earthscape for the amount of \$1,700,000.00, which included a contingency of approximately 10%. During the course of the project, ten contract change orders were executed to account for additional work, for a total of \$87,683.87. Total cost of construction is \$1,617,475.37.

Staff has determined that the work specified in the contract has been completed in substantial conformance with the Plans and Specifications. Therefore, staff recommends that Council accept this project and authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.

Prepared by: A. Sorensen, Associate Civil Engineer


**FISCAL IMPACT:**

Expenditures: \$1,617,475.37, with \$1,225,901.53 from I-Bank loan proceeds and \$391,573.84 from Redevelopment bond proceeds

**DEPARTMENT HEAD SIGNATURE:**

  
Michael Knight  
Assistant City Manager

**CITY MANAGER SIGNATURE:**

  
David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney  
Finance  
Public Works

**DATE:**

2/8/11  
2/16/11  
2/8/11

**INITIALS:**

BB  
P-e  
BY

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AGENDA SUMMARY****RE: EUREKA POLICE DEPARTMENT GENERAL  
FUND APPROPRIATION.****FOR AGENDA DATE: FEB 15, 2011****AGENDA ITEM NO.:**

9

**RECOMMENDATION:**

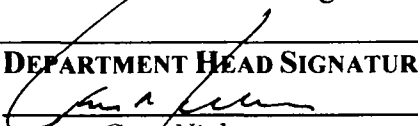
1. Appropriate \$25,000 from the General Fund to purchase Police Department equipment; to be offset by \$25,000 in unanticipated revenue received for CAD/RMS billing.

**SUMMARY:**Protech Ballistic Vests:

Five members of the Eureka Police Department who are assigned to the Humboldt County Sheriff's Department SWAT Team are in need of ballistic vests. L.C. Action Police Supply has provided a bid for (5) Protech FAV MKII ballistic vests in the amount of \$8,384. The FAV MKII tactical platform provides unparalleled modularity, optimum coverage, and enhanced ballistic protection for a variety of tactical operations. This scalable platform will allow the SWAT Team members to customize their vest configuration based on the specific needs of each mission.

*Prepared by Lt. Len Johnson**Continued on Pg. 2***FISCAL IMPACT:** No impact on general fund

- 1) Appropriate \$13,376 to account 110-42100-2157, \$3,313 to account 110-42100-2152, and \$8,290 to account 110-42100-7490.
- 2) Appropriate \$25,000 in additional revenues to account 110-33336-0000 received for CAD/RMS billing to offset these expenditures.

**DEPARTMENT HEAD SIGNATURE:**
  
 Garr Nielsen  
 Chief of Police
**CITY MANAGER SIGNATURE:**
  
 David W. Tyson  
 City Manager
**REVIEWED BY:**

City Attorney

Finance

**DATE:**
 \_\_\_\_\_  
 \_\_\_\_\_
**INITIALS:**
 \_\_\_\_\_  
 \_\_\_\_\_
**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**RE: PURCHASE OF SAFETY EQUIPMENT AND AIR  
CONDITIONING SYSTEM.**

**FOR AGENDA DATE: FEB 15, 2011**  
**AGENDA ITEM NO.:**  
*Page 2*

**SUMMARY** *(continued)*

**Shotgun Stocks and Fore-grips:**

Over the years, our department has had problems encouraging officers to practice with the shotgun due in part to the recoil of the weapon. One solution to this problem is replacing the current stocks and fore-grips with ones that reduce the felt recoil. Specops has developed a stock with a spring system that reduces the recoil, and provides the shooter with an obvious advantage when it comes to accurately shooting the weapon. In addition, the new stock is equipped with a pistol grip that is adjustable for length of pull. This makes the weapons system much more customizable to each persons body type, in turn making the weapon much easier to handle.

**Air Conditioning System:**

Located adjacent to the Eureka Police Department Communications Center is a room which contains all of the servers and radio equipment necessary for the operation of the Communications Center. Due to the tremendous amount of heat generated by the equipment, the room temperature must be controlled with an air conditioning system. The existing air conditioning system is no longer functioning properly and needs to be replaced. O & M Industries has provided the lowest bid of \$8,290 for a Luxaire 5 ton (60,000) BTU air conditioning system. For the time being, a loaner air conditioner has been installed in an attempt to control the temperature at an acceptable level. Staff recommends accepting O & M Industries low bid of \$8,290, and purchase the 5 ton Luxaire air conditioning system

**Point Blank Body Armor:**

In July 2005, twenty six ballistic vests were purchased for Eureka Police Officers. Because the vests only have a certification life of (5) years, it is now time to replace the vests. The estimated cost to replace the twenty six vests is \$27,000. Staff recommends appropriating the remaining \$4,992 of unanticipated revenue towards the replacement of these ballistic vests.

For F/Y 2010/2011, the revenue generated for annual CAD/RMS billing totaled \$76,979. Budgeted revenue was expected to be \$52,000. Of the unanticipated revenue remaining of \$24,979, staff recommends that \$24,979 be appropriated to purchase the safety equipment and air conditioning system described in this Agenda Summary.

Protech ballistic vests	\$8,384
Shotgun stocks and fore-grips	\$3,313
Luxaire 5 Ton Air Conditioning System:	\$8,290
<u>Point Blank body armor:</u>	<u>\$4,992</u>

Total: \$24,979

**AGENDA SUMMARY**

**RE: RESERVOIR MAINTENANCE & SECURITY  
PROJECT PHASE 3 –  
ROOF STRUCTURE RECOATING**

**FOR AGENDA DATE: FEBRUARY 15, 2011**

**AGENDA ITEM NO.:**

10

**RECOMMENDATION:**

Reject all bids on the Reservoir Maintenance and Security Project Phase 3, Bid No. 2011-9.

**SUMMARY:**

The City of Eureka's 20MG Water Reservoir was constructed in 1949 as an open-air raw water storage tank. The water travelled by force of gravity directly from the Mad River before treatment at the City's Water Treatment Plant. Today, Eureka's water is drawn from wells within the Mad River aquifer. The water is conveyed from Humboldt Bay Municipal Water District's Treatment Facility to the City's Reservoir via the Mad River Pipeline.

In 1995, the Water Reservoir Reconstruction Project constructed the existing roof to protect the City's drinking water. The roof is comprised of fiberglass panels and purlins, supported by a network of structural steel members. The protective coating on the steel members was inspected and evaluated by D.B. Gaya Consulting LLC in May 2006, at which time the cost to remove corrosion and repair the failed coating system was estimated at \$120,000 to \$150,000. Since that inspection, the extent of corrosion and coating failure has increased.

The Reservoir Maintenance and Security Project Phase 3 will remove corrosion and recoat the interior structural steel in the reservoir. The project is the final phase of a capital improvement project designed to increase security and improve mechanical and electrical systems at the reservoir.

The Reservoir Maintenance and Security Project Phase 3 was advertised on December 19, 2010, and a pre-bid meeting was held at the job site on January 6, 2011. Four bids were opened on January 20, 2011. Staff reviewed and evaluated the bids and determined that Western Industrial, Inc., submitted the lowest responsive bid in the amount of \$926,000, which is well above the Engineer's Estimate of \$250,000 (Bid Summary is attached for reference). Staff recommends that Council reject all bids at this time. This important project will be evaluated for potential cost savings so the City can proceed in the future.

Prepared by C. McKenna, Assistant Engineer *CM*

**FISCAL IMPACT:**

Expenditures: None

**DEPARTMENT HEAD SIGNATURE:**

*Mike Knight*  
Mike Knight  
Assistant City Manager

**CITY MANAGER SIGNATURE:**

*David W. Tyson*  
David W. Tyson  
City Manager

**REVIEWED BY:**

City Attorney  
Finance  
Public Works

**DATE:**

*2-9-11*  
*2-10-11*  
*2-9-11*

**INITIALS:**

*WRB*  
*Pm*  
*BT*

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

# **BID SUMMARY SHEET** **Reservoir Maintenance & Security Phase 3 - Roof Structure Recoating    Bid No. 2011-9**

Bid Opening Date: January 20, 2011

Item #	Description	Est. Qty	Unit	Western Industrial, Inc.		F.D.Thomas, Inc.		Redwood Painting Co., Inc.		Jeffco Painting & Coating	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Abrasive Blast to Bare Metal up to 25% of Total Surface Area and Coat All Structural Steel inside 20MG Water Reservoir	1	LS	\$924,800.00	\$924,800.00	\$961,000.00	\$961,000.00	\$2,571,000.00	\$2,571,000.00	\$1,999,844.00	\$1,999,844.00
2	Abrasive Blast to Bare Metal in Excess of 25% of Total Surface Area of Steel	300	SF	\$4.00	\$1,200.00	\$12.00	\$3,600.00	\$20.00	\$6,000.00	\$4.00	\$1,200.00
<b>TOTAL BID</b>					<b>\$926,000.00</b>		<b>\$964,600.00</b>		<b>\$2,577,000.00</b>		<b>\$2,001,044.00</b>

**Apparent Low Bidder**

**AGENDA SUMMARY****RE: TRANSIENT OCCUPANCY TAX LIEN****FOR AGENDA DATE: FEB. 15, 2011****AGENDA ITEM No.:** //**RECOMMENDATION:**

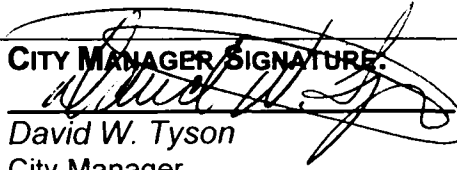
Introduce, waive reading, and read by title only Bill No. 834-CS an Ordinance of the City of Eureka Amending Chapter 35 of the Eureka Municipal Code to Authorize the use of Lien Procedures for the Collection of Delinquent Transient Occupancy Taxes.

**SUMMARY:**

The City's original Transient Occupancy Tax (TOT) Ordinance was enacted on January 30, 1965, and was most recently amended in November 2008. The attached ordinance would modify the existing TOT Ordinance to authorize the use of lien procedures for the collection of delinquent TOT and would clarify that the tax must be paid before filing for a refund or judicial relief.

**FISCAL IMPACT:**

None with the recommended action.

**CITY MANAGER SIGNATURE:**  
David W. Tyson  
City Manager**REVIEWED BY:**

City Attorney

**DATE:**2-10-11**INITIALS:**RA**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_



**Bill No. 334 - CS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF EUREKA  
AMENDING THE EUREKA MUNICIPAL CODE TO AUTHORIZE  
THE USE OF LIEN PROCEDURES FOR THE COLLECTION OF  
DELINQUENT TRANSIENT OCCUPANCY TAXES AND TO CLARIFY THAT  
A TAX MUST BE PAID BEFORE FILING FOR A REFUND OR JUDICIAL RELIEF**

**TITLE III: ADMINISTRATION**

**CHAPTER 35: FINANCE, REVENUE AND TAXATION**

The City Council of the City of Eureka does ordain as follows:

**SECTION 1**

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.082 of the Eureka Municipal Code is hereby amended to read as follows:

**§ 35.082 ACTIONS TO COLLECT.**

(A) *Actions to Collect.* Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Arcata for the recovery of such amount.

(B) *Recording Tax Lien.* If any amount required to be paid to the City under this chapter is not paid when due, the Finance Director may record in the Office of the Humboldt County Recorder a certificate which specifies the amount of tax, penalties and interest due, the name and address of the operator owing the tax and liable therefor as it appears on the tax assessment roll, and the fact that the Finance Director has complied with all provisions of this chapter in the determination of the tax, interest and penalties required to be paid. From the date of recording in the Office of the Humboldt County Recorder, the amount to be paid together with interest and penalties shall constitute a lien upon the real property in the County owned by the operator or acquired by him afterwards and before the lien expires. The lien shall have the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of recordation of the lien unless sooner released or otherwise discharged.

(C) *Assessment and Lien.* Whenever delinquent taxes and penalties are not paid to the City after proper notice, the total uncollected amount including tax, penalties and administrative fees may become assessments, and the City Clerk may compile a list of such assessments together with parcel number designations and addresses upon which the assessments are being fixed. After notice and hearing, and upon

confirmation of the imposition of the liens by resolution of the City Council, the City Clerk shall file a certified copy of the approved resolution with the Humboldt County Tax Collector, directing that all unpaid transient occupancy taxes, penalties and administrative fees be entered as lien charges against said property as it appears on the current assessment roll. Liens shall be collected at the same time and in the same manner, subject to the same penalties and interest upon delinquencies, as the general real property taxes are collected for the City. The City Clerk shall present for recording appropriate notices of the imposition of these liens with the Humboldt County Recorder.

(D) *No Lien Preference.* Nothing in this chapter shall give the City a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

(E) *Remedies Not Exclusive.* The remedies and penalties provided for in this chapter shall be cumulative and not exclusive, and shall not supersede or limit any and all other remedies that may be available. ('63 Code, § 8-5.13) (Ord. 30-C.S., passed 1-30-65; tax operative, passed 3-1-65; Am. Ord. 382-C.S., passed 5-17-83; Am. Ord. XXX-C.S., passed x/x/2011)

## **SECTION 2**

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.083 of the Eureka Municipal Code is hereby deleted and added to read as follows:

### **§ 35.083 PAYMENT OF TAXES PRIOR TO REFUND OR JUDICIAL RELIEF.**

No legal or equitable process shall be issued in any proceeding in any court against the City or any officer to prevent or enjoin the collection of any tax sought to be collected pursuant to this chapter, and payment of all tax, interest and penalties shall be required as a condition precedent to seeking judicial review of any tax liability. (Ord. XX-C.S., passed x/x/2011)

## **SECTION 3**

"Title III: Administration," "Chapter 35. Finance, Revenue and Taxation," Section 35.084 of the Eureka Municipal Code is hereby added to read as follows:

### **§ 35.084 VIOLATIONS OF PROVISIONS.**

Any operator or other person who fails or refuses to register as required, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Director of Finance, or who renders a false or fraudulent return or claim shall be guilty of a misdemeanor. Any person required to

make, render, sign, or verify any report or claim and who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by the provisions of this subchapter to be made shall be guilty of a misdemeanor.

('63 Code, § 8-5.14) (Ord. 30-C.S., passed 1-30-65; tax operative, passed 3-1-65; Am. Ord. 382-C.S., passed 5-17-83; Am. Ord. xxx-C.S. [re-numbering], passed x/x/2011)  
Penalty, see § 35.999

#### **SECTION 4**

Severability. If any section, subsection, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

This Ordinance was passed and adopted at a regular meeting of the Eureka City Council on the \_\_\_\_ th day of March, 2011 as follows:

AYES: COUNCILMEMBERS  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS  
ABSTAIN: COUNCILMEMBERS

\_\_\_\_\_  
Lance Madsen, Mayor Pro Tem  
*[Charter Section 504 ...Every bill after it has finally passed the Council shall be signed by the Mayor Pro Tem and then presented forthwith to the Mayor.]*

The above ordinance was presented to the Mayor on the \_\_\_\_ day of March, 2011, and hereby approved.

\_\_\_\_\_  
Frank Jager, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
David W. Tyson, City Manager

\_\_\_\_\_  
Bill Bragg, City Attorney

The above ordinance was attested by the City Clerk of the City of Eureka on the \_\_\_\_ day of March, 2011.

\_\_\_\_\_  
Pamela J. Powell, City Clerk

**AGENDA SUMMARY****RE: MEASURE N, THE MARINA CENTER LCP  
AMENDMENT BALLOT MEASURE****FOR AGENDA DATE: FEBRUARY 15, 2011  
AGENDA ITEM NO.:**

12

**RECOMMENDATION:**

1. Waive reading, read by title only, and adopt Ordinance No. 829-C.S. "An Ordinance of the People of the City of Eureka State of California. An Ordinance Making Findings and Amending the City of Eureka Local Coastal Program Land Use Plan to Allow and Establish Regulations for the Marina Center Mixed-Use Development Project"
2. Waive reading, read by title only, and adopt Ordinance No. 830-C.S. "An Ordinance of the People of the City of Eureka State of California. An Ordinance Making Findings and Amending the City of Eureka Local Coastal Program Implementation Plan to Allow and Establish Regulations for the Marina Center Mixed-Use Development Project"
3. Adopt Council Resolution, a "Resolution of the City Council of the City of Eureka, California, Submitting the Local Coastal Program Amendment Contained in the Voter Approved Measure N, the 'Marina Center Local Coastal Program Amendment Ballot Measure' to the California Coastal Commission for Certification"

**SUMMARY:**

On November 2, 2010, the voters of the city passed Measure N, the Marina Center LCP Amendment Ballot Measure. On December 7, 2010 the City Council adopted Resolution No. 2010-76 a "Resolution of the City Council of the City of Eureka, California, Accepting the Canvass of Returns and Declaring the Results of the General Municipal Election held in the City of Eureka held on Tuesday, November 2, 2010 for the Purpose of Submitting to the electors of the City of Eureka Ballot Measure N Relating to the Marina Center Local Coastal Program Amendment."

The City Council is being asked to pass and adopt the implementing Ordinances as approved by the voters (Ordinances 829-C.S. and 830-C.S.); and the Council is being asked to adopt Resolution No. 2011-\_\_\_ transmitting Measure N to the Coastal Commission for final certification.

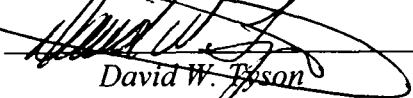
**ATTACHMENTS:**

Attachment 1      Ordinance No. 829-C.S.  
Attachment 2      Ordinance No. 830-C.S.  
Attachment 3      Resolution No. 2011-\_\_\_

**FISCAL IMPACT:** None with this action.**DEPARTMENT HEAD SIGNATURE:**

  
Sidnie L. Olson  
Director of Community Development

**CITY MANAGER SIGNATURE:**

  
David W. Tyson  
City Manager

**REVIEWED BY:**

Assistant City Manager  
City Attorney

**DATE:**

2/8/11  
2/9/11

**INITIALS:**

MK  
WRB

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF EUREKA  
STATE OF CALIFORNIA**

**AN ORDINANCE MAKING FINDINGS AND AMENDING THE CITY OF  
EUREKA LOCAL COASTAL PROGRAM LAND USE PLAN TO ALLOW  
AND ESTABLISH REGULATIONS FOR THE MARINA CENTER MIXED-  
USE DEVELOPMENT PROJECT**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project"); and,

WHEREAS, on October 27, 2009 the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and,

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase 1 of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands preserve, making certain CEQA findings for Phase 1 of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase 1 of the Project; and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 2010-38, placing a question before the voters of the City whether to adopt the Marina Center LCP Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary, and as further set forth in this Ordinance and in Ordinance 830-C.S. approving the Local Coastal Program Implementation Plan amendments, making CEQA findings associated with these amendments, and adopting a MMRP for these amendments; and

WHEREAS, voters of the City, at the regular election held on November 2, 2010 approved Ordinances 829-C.S. and 830-C.S., adopting the Local Coastal Program Land Use Plan amendments and the Local Coastal Program Implementation Plan amendments.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the record before it, which includes without limitation, CEQA and the CEQA Guidelines, 14 California Code of Regulations § 15000 *et seq.*; the City's Local Coastal Program, the City's General Plan and General Plan EIR; the City's Municipal Code; the Draft and Final EIR prepared for the Project, Resolution 2010-50 all reports, minutes, and public testimony

submitted as part of the City Council consideration of Resolution 2010-51; Ordinances 829-C.S. and 830-C.S.; and any other evidence in the record, the people of the City of Eureka hereby find as follows:

## **SECTION I. FINDINGS**

### **A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. In May 1984, the City of Eureka adopted its first Local Coastal Program ("LCP") in accordance with the California Coastal Act; the associated Implementation Plan ("IP") was passed by the City Council on December 6, 1984. In the 1990s, the City of Eureka updated its Land Use Plan ("LUP") through a citywide General Plan update. The City determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act was to combine the goals, policies, and programs addressing these requirements (i.e., non-coastal and coastal) into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the 1984 LCP and determined which policies and programs should be incorporated into the updated citywide General Plan. The current City of Eureka LUP, as an integral component of the citywide General Plan for Eureka, was certified by the Coastal Commission on September 9, 1998, and adopted by the City Council on February 23, 1999.
3. In preparing the General Plan update, the City established citywide land use designations that essentially correspond with all of the LUP designations. The Coastal Act requires LCP-LUP designations to include more specificity than that required by State General Plan law, therefore, Table B-1 in Appendix B of the General Plan Policy Document shows the more detailed purpose description and use prescriptions for the LUP designations. The General Plan and Specifically Table B-1 in Appendix B is incorporated herein by reference.
4. The Attachments to this Ordinance, including the proposed Land Use Plan Map Amendments (Attachment A) are incorporated by reference as part of this Ordinance, as if the Attachments were set forth fully herein.
5. The documents and other material constituting the record for these proceedings are located at the Community Development Department for the City of Eureka, 531 K Street, Eureka, CA 95501.

### **B. Local Coastal Plan Land Use Plan Mapping Amendment Findings**

1. The Land Use Plan amendment proposes changing the land use designations on the Land Use Plan general plan land use map as follows and as is further shown in Attachment A:

<b>APN</b>	<b>Existing LUP Designations</b>	<b>Proposed LUP Designations</b>
003-021-009	Light Industrial (LI) Public/Quasi-Public (PQP)	Light Industrial (LI) Waterfront Commercial (WFC) Professional Office (PO) General Services Commercial (GSC)
003-031-003	Light Industrial (LI)	Professional Office (PO)
003-031-007	Light Industrial (LI)	Professional Office (PO)
003-031-008	Light Industrial (LI) Public/Quasi-Public (PQP)	Water – Conservation (WC) General Services Commercial (GSC) Professional Office (PO)
003-031-012	Light Industrial (LI)	Professional Office (PO)
003-031-013	Light Industrial (LI)	Professional Office (PO)
003-041-007	Public/Quasi-Public (PQP)	Water – Conservation (WC) General Services Commercial (GSC)
003-051-001	Public/Quasi-Public (PQP)	Water – Conservation (WC)

2. As required under State law, the General Plan, and the Municipal Code, in support of the General Plan Land Use Map amendment, the City finds as follows:
  - a. As demonstrated Attachment 2 to Resolution No. 2010-38, incorporated herein by reference, the proposed amendments will not create any internal inconsistencies with the City's General Plan or LCP.

### **C. Local Coastal Plan Land Use Plan Text Amendment Findings**

1. Applying the land use designation "Professional Office" in the City's coastal zone would require an amendment to Table B-1 of Appendix B of the General Plan/LCP Policy Document to provide the additional specificity required by the Coastal Act. Appendix B is titled "Coastal Land Use Policy." It addresses the coastal planning requirements established by the California Coastal Act. Table B-1 is a matrix that lists the (inland) general plan designations, comparable LUP designations and corresponding IP zoning designations. It also lists the purposes, principal uses and conditional uses for each LUP designation.
2. Table B-1 includes a LUP designation of Core-Residential Office (C-RO), which has as its implementing ordinance the Office and Multi-Family Residential zone (OR). The portion of the City's core area that is in the coastal zone between roughly "I" and "O" Streets and First and Third Streets has an LUP designation of C-RO with a corresponding zoning designation of OR. However, because the corresponding LUP designation for the OR zone is only in the core area, the OR zone cannot be expanded to lands within the coastal zone but outside the core area. The proposed amendment to Table B-1 would allow the expansion of the OR zone within the coastal zone and outside the core area of the City through



the use of the Professional Office LUP designation. Significantly, the proposed amendment to Table B-1 would not allow a use that is not already allowed in the coastal zone.

3. The proposed amendment to General Plan Table B-1 with strikethrough/underline is shown below.

<b>TABLE B-1 GENERAL PLAN – LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP) DESIGNATION CORRESPONDENCE</b>					
<b>GP Designation(s)</b>	<b>LCP-LUP Designation(s)</b>	<b>LCP-IP (Zoning) Designation(s)</b>	<b>Purpose(s)</b>	<b>Principal Use(s)</b>	<b>Conditional Uses</b>
PO Professional Office	No corresponding LUP designation <u>PO Professional Office</u>	N/A OR <u>Office/Multi-Family Residential</u>	N/A To provide opportunities for offices of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.	N/A Single family residences, multi-family residences, administrative, business, and professional offices.	N/A Hotels, motels, boarding houses, private institutions, retail services compatible with principal uses.

4. As demonstrated Attachment 2 to Resolution No. 2010-38, incorporated herein by reference, the proposed text amendments will not create any internal inconsistencies with the City's General Plan or LCP.

#### **D. CEQA Findings**

1. The City's CEQA findings for this ordinance are the same as those set forth in the City's Resolution No. 2010-38 calling for a ballot measure on this Ordinance. The CEQA findings and the Mitigation Monitoring and Reporting Program attached to Resolution No. 2010-38 are incorporated herein by reference.

## **SECTION II. ADOPTION OF LOCAL COASTAL PROGRAM LAND USE PLAN MAPPING AND TEXT AMENDMENTS**

Based on the entirety of the record, as described above, and for the reasons set forth in Section I of this Ordinance, and all Attachments to this Ordinance, the People of the City of Eureka do hereby amend the City's Local Coastal Program Land Use Plan land

use map as set forth in Attachment A and amend the text of the Local Coastal Program Land Use Plan as set forth above.

### **SECTION III. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Eureka hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

### **SECTION IV. EFFECTIVE DATE, COASTAL COMMISSION REVIEW, AND EFFECT OF COASTAL COMMISSION NOT CERTIFYING ORDINANCE**

Pursuant to Elections Code Section 9217, this ordinance shall be considered adopted upon certification of the vote of the people of the City of Eureka in favor of passing this Ordinance and shall become effective 10 days thereafter. Following approval by the people of the City of Eureka, the amendments shall be submitted to the California Coastal Commission for certification in accordance with the California Coastal Act. If the California Coastal Commission does not certify these amendments, this ordinance shall be null and void and the zoning designations shall revert to those applicable immediately prior to the passage of this ordinance.

APPROVED by the following vote of the voters of the City of Eureka on November 2, 2010:

YESSES 5,942 (68.80%)

NOES 2,695 (31.20%)

**ORDINANCE No. 829-C.S.**

Page 6

PASSED AND ADOPTED by declaration of the vote of the City Council of the City of Eureka at a regular meeting held on the 15th day of February 2011 by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS SUBMITTED TO THE MAYOR on the \_\_\_\_ day of February 2011, and hereby approved.

\_\_\_\_\_  
Frank Jäger, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
David. W. Tyson, City Manager

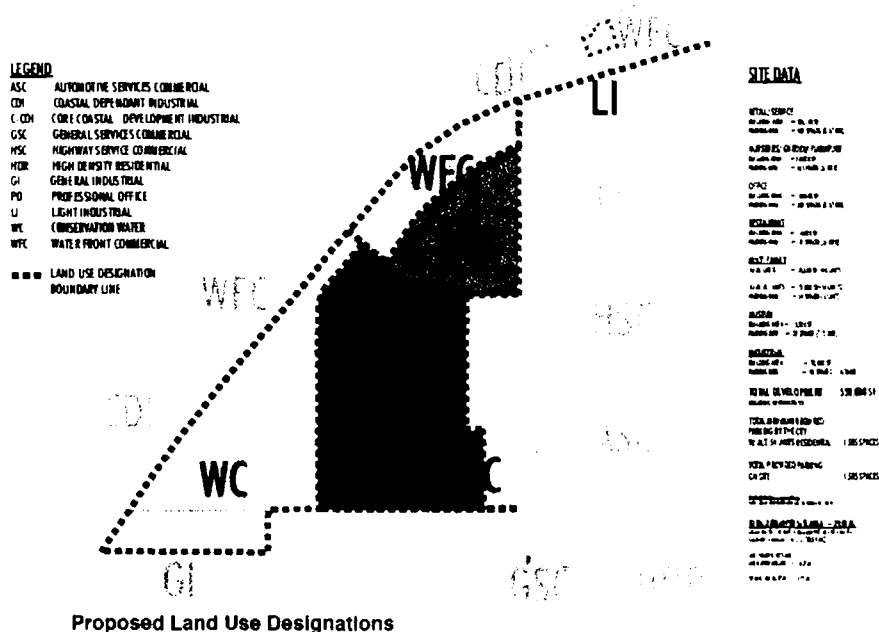
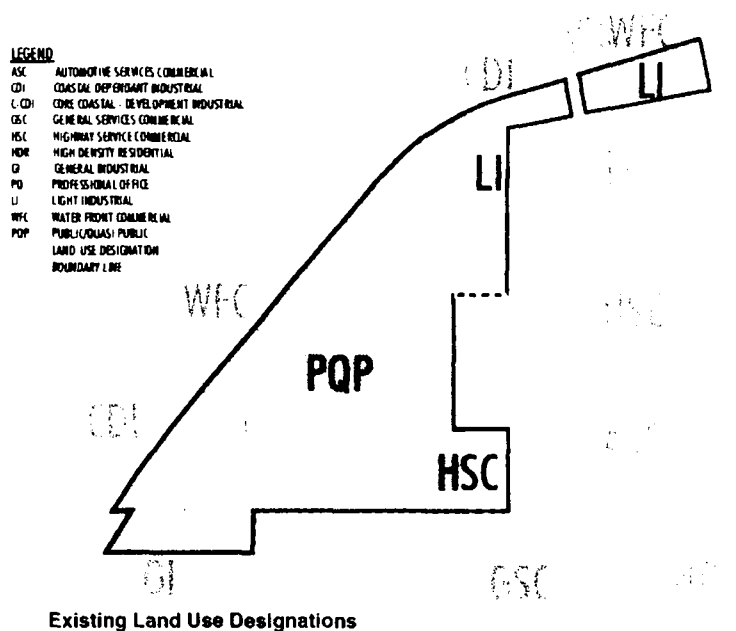
\_\_\_\_\_  
William Bragg, Interim City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_ day of February 2011.

\_\_\_\_\_  
Pamela J. Powell, City Clerk

**Local Coastal Program Land Use Plan General Plan Land Use Map  
(As proposed for Amendment)**

A copy of the Local Coastal Program Land Use Plan general plan land use map is included in this Ordinance by reference, as if set forth fully herein.



↑  
N  
NO SCALE

**ORDINANCE NO. 830-C.S.**

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF EUREKA  
STATE OF CALIFORNIA**

**AN ORDINANCE MAKING FINDINGS AND AMENDING THE CITY OF  
EUREKA LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN TO  
ALLOW AND ESTABLISH REGULATIONS FOR THE MARINA CENTER  
MIXED-USE DEVELOPMENT PROJECT**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project"); and,

WHEREAS, on October 27, 2009 the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and,

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase I of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands preserve, making certain CEQA findings for Phase I of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase I of the Project; and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 2010-38, placing a question before the voters of the City whether to adopt the Marina Center LCP Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary, and as further set forth in this Ordinance and in Ordinance No. 829-C.S. approving the Local Coastal Program Land Use Plan amendments, making CEQA findings associated with these amendments, and adopting a MMRP for these amendments; and

WHEREAS, voters of the City, at the regular election held on November 2, 2010 approved Ordinances 829-C.S. and 830-C.S., adopting the Local Coastal Program Land Use Plan amendments and the Local Coastal Program Implementation Plan amendments.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the record before it, which includes without limitation, CEQA and the CEQA Guidelines, 14 California Code of Regulations § 15000 *et seq.*; the City's Local Coastal Program, the City's General Plan and General Plan EIR; the City's Municipal Code; the Draft and Final EIR

prepared for the Project, Resolution 2010-50 all reports, minutes, and public testimony submitted as part of the City Council consideration of Resolution 2010-51; Ordinances 829-C.S. and 830-C.S.; and any other evidence in the record, the people of the City of Eureka hereby find as follows:

## **SECTION I. FINDINGS**

### **A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Attachment to this Ordinance, including the proposed Local Coastal Program Implementation Plan (zoning) map amendment (Attachment A) is incorporated by reference as part of this Ordinance, as if the Attachment was set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Community Development Department for the City of Eureka, 531 K Street, Eureka, CA 95501.

### **B. Local Coastal Program Implementation Plan Map Amendment Findings**

1. The Implementation Plan Amendment rezones the Project Area as follows and as is further illustrated in Attachment A:
2. In addition, the Amendment applies a Q Qualified Combining District to all of the below listed parcels to limit the types and amount of development that may take place.

<b>APN</b>	<b>Existing IP Designations</b>	<b>Proposed IP Designations</b>
001-014-002	Limited Industrial (ML)	Qualified Limited Industrial (ML-Q)
003-021-009	Limited Industrial (ML) Public (P)	Qualified Limited Industrial (ML-Q) Qualified Commercial Waterfront (CW-Q) Qualified Office Residential (OR-Q) Qualified Service Commercial (CS-Q)
003-031-003	Limited Industrial (ML)	Qualified Professional Office (PO-Q)
003-031-007	Limited Industrial (ML)	Qualified Professional Office (PO-Q)
003-031-008	Limited Industrial (ML) Public (P)	Qualified Conservation Water District (WC-Q) Qualified Service Commercial (CS-Q) Qualified Office Residential (OR-Q)
003-031-012	Limited Industrial (ML)	Qualified Office Residential (OR-Q)
003-031-013	Limited Industrial (ML)	Qualified Office Residential (OR-Q)
003-041-005	Service Commercial (CS)	Qualified Service Commercial (CS-Q)
003-041-006	Service Commercial (CS)	Qualified Service Commercial (CS-Q)

APN	Existing IP Designations	Proposed IP Designations
003-041-007	Public (P)	Qualified Conservation Water District (WC-Q) Qualified Services Commercial (CS-Q)
003-051-001	Public (P)	Qualified Conservation Water District (WC-Q)

3. As required under State law, the General Plan, and the Municipal Code, in support of the Implementation Plan Amendment, the City finds as follows:
  - a. The proposed Implementation Plan Amendments conform with and are adequate to carry out the Local Coastal Program Land Use Plan and are internally consistent with the City's adopted General Plan as demonstrated in Attachment 2 of Resolution 2010-38 and incorporated herein by reference. The Implementation Plan zoning map designations correspond to the Land Use Plan map designations consistent with Table B-1 of Appendix B of the General Plan/Local Coastal.
  - b. The proposed Implementation Plan mapping amendments are internally consistent with the City's Coastal Zoning Regulations. The Implementation Plan amendments use established zoning districts from the Coastal Zoning Regulations and do not seek to modify those zones except as set forth below through the application of the Q Qualified Combining District. The application of the Q Qualified Combining District is also contemplated by the Zoning Ordinance, however, and therefore would not create internal inconsistencies with the Coastal Zoning Regulations.
4. As required under the Coastal Zoning Regulations, the Q Qualified Combining District to be applied to the parcels listed above, the exact parameters of which are set forth below, is required in order to ensure that development on the subject property takes place in an orderly manner and that the environmental impacts of any such development does not exceed the environmental impacts already examined and disclosed by the City in the Marina Center Mixed Use Development Project EIR certified by the City in Resolution No. 2009-50. In addition, for these same reasons, the application of the Q Qualified Combining District is not "spot zoning." Moreover, the Q Qualified Combining District will be applied to all of the parcels set forth above and to each of the underlying zoning designations as set forth above.

### **C. CEQA Findings**

1. The City's CEQA findings for this ordinance are the same as those set forth in the City's Resolution No. 2010-38 calling for a ballot measure on this Ordinance. The CEQA findings and the Mitigation Monitoring and Reporting Program attached to Resolution No. 2010-38 are incorporated herein by reference.

## **SECTION II. Q QUALIFIED COMBINING DISTRICT REGULATIONS**

The following regulations shall apply in the Q Qualified Combining District applicable to the parcels identified in the table above and the map attached as Attachment A:

1. Development in accordance with the EIR shall require the issuance of a coastal development permit by the City Council.
2. Development within the Q Qualified Combining District shall not exceed that described in the EIR or have environmental impacts exceeding those described in the EIR.
3. "Discount Superstores" are prohibited in the Q Qualified Combining District. "Discount superstore" shall mean a discount retail store that also contains a full service grocery department under the same roof that shares entrances and exits with the discount store area. Such retail stores exceed one hundred thousand (100,000) square feet of gross floor area and devote at least five (5%) percent of the total sales floor area to the sale of non-taxable merchandise. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.
4. This Ordinance may only be amended by simple majority vote of the voters of the City of Eureka. Ten years after the effective date of this Ordinance, however, the City Council may repeal all or part of this Q Combining District without further vote of the people, so long as the City complies with CEQA before approving any such amendment. In the event that the City Council repeals this Q Combining District, the regulations of the underlying zoning districts applicable to the Property shall apply.

## **SECTION III. ADOPTION OF IMPLEMENTATION PLAN AMENDMENTS**

Based on the entirety of the record, as described above, and for the reasons set forth in Section I of this Ordinance, and all Attachments to this Ordinance, the People of the City of Eureka do hereby amend the City's Local Coastal Program Implementation Plan, as set forth above and illustrated in Attachment A.



#### **SECTION IV. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Eureka hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

#### **SECTION V. EFFECTIVE DATE, COASTAL COMMISSION REVIEW, AND EFFECT OF COASTAL COMMISSION NOT CERTIFYING ORDINANCE**

Pursuant to Elections Code Section 9217, this ordinance shall be considered adopted upon certification of the vote of the people of the City of Eureka in favor of passing this Ordinance and shall become effective 10 days thereafter. Following approval by the people of the City of Eureka, the amendments shall be submitted to the California Coastal Commission for certification in accordance with the California Coastal Act. If the California Coastal Commission does not certify these amendments, this ordinance shall be null and void and the zoning designations shall revert to those applicable immediately prior to the passage of this ordinance.

APPROVED by the following vote of the voters of the City of Eureka on November 2, 2010:

YESES	<u>5,942</u>	(68.80%)
NOES	<u>2,695</u>	(31.20%)

**ORDINANCE No. 830-C.S.**

Page 6

PASSED AND ADOPTED by declaration of the vote of the City Council of the City of Eureka at a regular meeting held on the 15<sup>th</sup> day of February 2011 by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS SUBMITTED TO THE MAYOR on the \_\_\_\_ day of February 2011, and hereby approved.

\_\_\_\_\_  
Frank Jäger, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
David W. Tyson, City Manager

\_\_\_\_\_  
William Bragg, Interim City Attorney

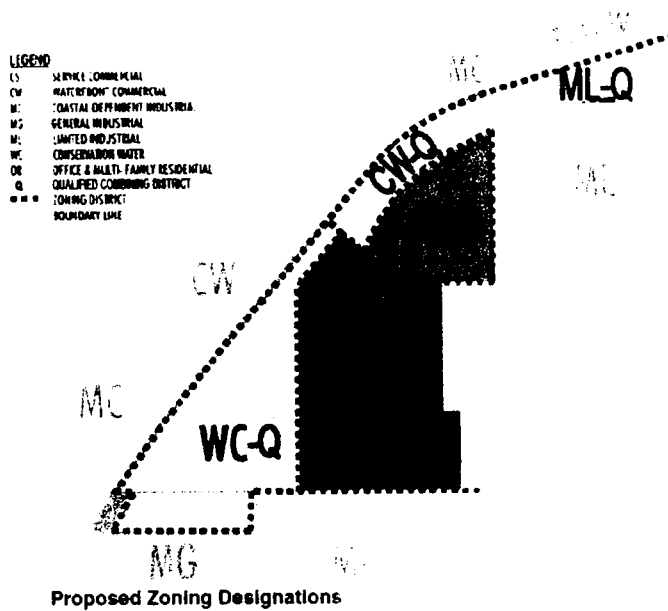
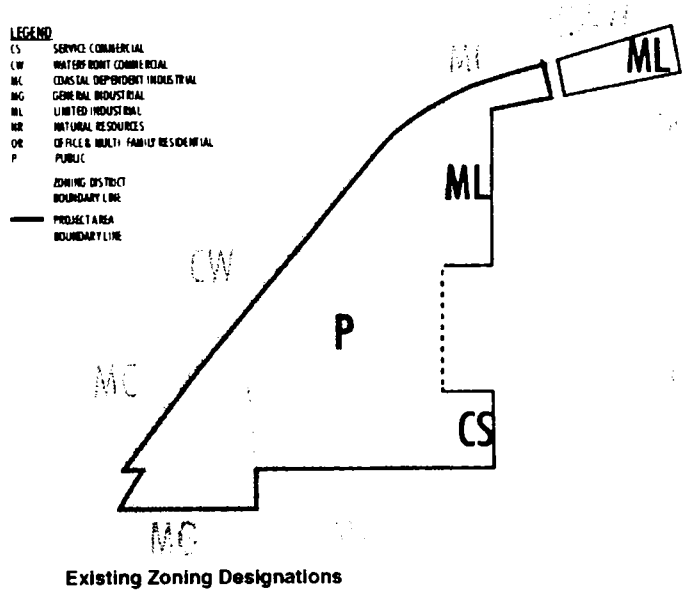
THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_ day of February 2011

\_\_\_\_\_  
Pamela J. Powell, City Clerk

Attachment A

**Local Coastal Program Implementaiton Plan Zoning Map  
(As proposed for Amendment)**

A copy of the Local Coastal Program Implemtation Plan zoning map is included in this Ordinance by reference, as if set forth fully herein.



↑  
N  
NO SCALE

## **RESOLUTION NO. 2011-\_\_**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA, CALIFORNIA, SUBMITTING THE LOCAL COASTAL PROGRAM AMENDMENT CONTAINED IN THE VOTER APPROVED MEASURE N, THE "MARINA CENTER LOCAL COASTAL PROGRAM AMENDMENT BALLOT MEASURE" TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project" or "Marina Center"); and

WHEREAS, on October 27, 2009, the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase 1 of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands reserve, making certain CEQA findings for Phase 1 of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase 1 of the Project; and

WHEREAS, in addition to Phase 1, the Project, as described and analyzed in the EIR, includes the redevelopment of the approximately 43-acre property, which is generally bounded by Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east, with a mixed use development that includes the following: 313,500 square feet of retail space, 104,000 sq. ft. of office space, 72,000 sq. ft. of multi-family residential housing (54 dwelling units), 70,000 sq. ft. of light industrial space, 14,000 sq. ft. of restaurant space, 12,500 sq. ft. of museum space, 1,590 parking spaces, and an 11.89-acre wetland reserve ("Property"). The Property includes 11 existing parcels, four of which roughly make up the so-called "Balloon Track"; and

WHEREAS, The Property is located in the coastal zone and is subject to the provisions of the City's adopted and certified Local Coastal Program; and

WHEREAS, on June 15, 2010, the City Council approved Resolution No. 2010-38, placing a question before the voters of the City whether to adopt the Marina Center LCP Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary, and as further set forth in Ordinance No. 829-C.S. and in Ordinance No. 830-C.S. approving the Local Coastal Program Land Use Plan amendments, making CEQA findings associated with these amendments, and adopting a MMRP for these amendments; and

WHEREAS, the November 2, 2010, regular election included Measure N, the Marina Center LCP Amendment Ballot Measure, which asked the voters the following question:

“Shall ordinances be adopted amending the City of Eureka Local Coastal Program, including general plan and zoning amendments, to allow retail, office, multi-family residential, light industrial, restaurant, and museum uses on the “Balloon Track” and adjacent properties, as proposed for the 43-acre Marina Center Project; require additional permit approvals for development; prohibit “Discount Superstores;” and authorize the City Council to amend or repeal specific limitations on development after 10 years and following appropriate environmental review?”

; and

WHEREAS, voters of the City, at the regular election held on November 2, 2010, approved Ordinances 829-C.S. and 830-C.S., adopting the Local Coastal Program Land Use Plan amendments and the Local Coastal Program Implementation Plan amendments; and

WHEREAS, on December 7, 2010, the City Council passed, approved and adopted Resolution No 2010-76 a “Resolution of the City Council of the City of Eureka, California, Accepting the Canvass of Returns and Declaring the Results of the General Municipal Election held in the City of Eureka held on Tuesday, November 2, 2010 for the Purpose of Submitting to the electors of the City of Eureka Ballot Measure N Relating to the Marina Center Local Coastal Program Amendment.”

WHEREAS, on February 15, 2011, the City Council passed and adopted Ordinance No. 829-C.S. “An Ordinance of the People of the City of Eureka State of California. An Ordinance Making Findings and Amending the City of Eureka Local Coastal Program Land Use Plan to Allow and Establish Regulations for the Marina Center Mixed-Use Development Project”; and

WHEREAS, on February 15, 2011, the City Council of the City of Eureka passed and adopted Ordinance No. 830-C.S. “An Ordinance of the People of the City of Eureka State of California. An Ordinance Making Findings and Amending the City of Eureka Local Coastal Program Implementation Plan to Allow and Establish Regulations for the Marina Center Mixed-Use Development Project”; and

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED by the Council of the City of Eureka, that

SECTION 1. The City Council directs Staff to transmit Ordinance No. 829-C.S. and Ordinance No. 830-C.S., to the Coastal Commission for certification in accordance with the California Coastal Act.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 15<sup>th</sup> day of February 2011 by the following vote:

AYES: COUNCIL MEMBERS  
NOES: COUNCIL MEMBERS  
ABSENT: COUNCIL MEMBERS  
ABSTAIN: COUNCIL MEMBERS

---

Frank Jäger, Mayor of the City of Eureka

*Attest:*

---

*Pamela J. Powell, City Clerk*

*Approved as to Administration:*

*Approved as to form:*

---

David. W. Tyson, City Manager

---

William Bragg, Interim City Attorney

**AGENDA SUMMARY****RE: MARINE LIFE PROTECTION ACT INITIATIVE  
UPDATE****FOR AGENDA DATE: FEBRUARY 15, 2011  
AGENDA ITEM NO.: 13****RECOMMENDATION:**

1. Receive a report from the Community Development Department.
2. Receive a presentation from Adam Wagschal providing an update on the North Coast MLPA Initiative process and introducing the completed North Coast Pre-MLPA Community-Based Socioeconomic Characterization and Risk Assessment

**SUMMARY:** The California Marine Life Protection Act (MLPA) calls for the reexamination and redesign of California's Marine Protected Area (MPA) system to increase its coherence and effectiveness at protecting the state's marine life, habitat, and ecosystems. The MLPA Initiative is a public/private partnership that has been designing a new MPA system along the California coast, including the North Coast Region (Point Arena to the Oregon border).

As part of the MLPA Initiative process, the North Coast Regional Stakeholder Group (NCRSG) was formed to design the North Coast MPAs. After months of hard work, this group completed a single MPA Array design (Unified MPA Array) that was unanimously supported by the MLPA Initiative Blue Ribbon Task Force (BRTF) and forwarded to the California Fish and Game Commission, the body that will ultimately adopt the final North Coast MPA Array. Earlier this month the Fish and Game Commission received the BRTF recommendation for adoption of the Unified MPA Array, and generally supported the array.

In concert with the MPA development process, a socioeconomic study was prepared by Impact Assessment, Inc. (IAI) on behalf of the north coast community. This study was commissioned because the scope of the socioeconomic study funded by the MLPA Initiative was not sufficient to address the possible socioeconomic impacts of any particular MPA array on our community. The Harbor District oversaw preparation of the study, and funding came from a variety of sources including the Headwaters Fund, cash contributions from several local businesses or organizations, and in-kind donations from the Harbor District, IAI and the City of Eureka.

Adam Wagschal will present an update on the MLPA Initiative process and an overview of the IAI study. Adam is a member of the NCRSG, and was also the Director of the Conservation Division of the Harbor District at the IAI study was commissioned; the study was prepared under his oversight.

*prepared by: Lisa D. Shikany, Environmental Planner*

**FISCAL IMPACT:** None with this action.**DEPARTMENT HEAD SIGNATURE:**

Sidnie L. Olson  
Director of Community Development

**CITY MANAGER SIGNATURE:**

David W. Fyson  
City Manager

**REVIEWED BY:**

Assistant City Manager

**DATE:**2-8-11**INITIALS:**MA**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**AGENDA SUMMARY****RE:** Eureka Redevelopment Agency New Web Site**FOR AGENDA DATE:** February 15, 2011**AGENDA ITEM NO.:**

14

**RECOMMENDATION:**

1. Receive Report on New Redevelopment Web Site.

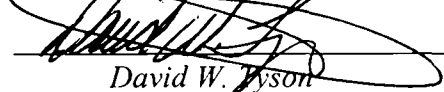
**SUMMARY:**

The New Redevelopment Web Site was in part funded by a grant from PG&E for \$7,500. The Redevelopment Department contacted local web designers with a Request for Proposal and the winning designer was local company, Morse Media. Morse Media offered a concise proposal including design, completion, support and training for in-house staff. As part of the overall bid, Morse Media also completed a basic web site design for Eureka Main Street. The total bid was \$10,500, of which Redevelopment only had to cover \$3,000.

Several aspects of the New Web Site include; Before & After pictures of Housing Projects, Community Partnerships, Revitalization of the Waterfront; C Street Market Square and newly installed sculptures. Also newly added is the 'News & Events' Section. This Section will be updated regularly with interesting articles and pictures of projects taking place in Eureka.

A rather large change in the New Redevelopment Web Site is the viewer being able to upload and/or print most forms they would need for Redevelopment Housing Projects, Enterprise Zone Business Benefit information, Foreign Trade Zone, Façade Grant, Revolving Loans, and Seismic Upgrades.

Continued on page 2

**FISCAL IMPACT:** None with this action.**DEPARTMENT HEAD SIGNATURE:**
  
 Cindy Trobitz-Thomas  
 Redevelopment Director
**CITY MANAGER SIGNATURE:**
  
 David W. Tyson  
 City Manager
**REVIEWED BY:**

City Attorney

**DATE:**

1-26-11

**INITIALS:**

wrb/ak

**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_



**RE: EUREKA REDEVELOPMENT  
DEPARTMENT NEW WEB SITE**

**FOR AGENDA DATE: FEBRUARY 15, 2011**  
**AGENDA ITEM NO.:**  
*Page 2*

**SUMMARY** (continued):

Included in this project is the opportunity to reach businesses and individuals electronically, getting useful information to interested individuals with easy access.

The New Redevelopment Web Site is one of several Business Initiatives(see attached) included in the Eureka Business Support Program. The Eureka Business Support Program also includes; Business Assessment Survey which has been completed, Enterprise Zone Workshop completed in 2009 and a second workshop in the planning, One to One Personal Business Meetings which are on-going and an E-Mail Newsletter which is planned for the future.

The Business Support Program Initiatives will be adding additional Initiatives and moving forward in support of our business community.

To view the new site click: <http://eurekaredevelopment.com/>

**ATTACHMENTS:**

Attachment 1

*prepared by: Judy Harrison*



## City of Eureka Introduces

### Business Support Program Initiatives!

#### **INITIATIVES:**

##### **Business Assessment Survey**

Recently the Business Assessment Survey 'kicked off' Eureka's Business Support Program. Businesses & Citizens can still complete their survey on-line at: [www.cityeurekaresearch.com](http://www.cityeurekaresearch.com) (Completed)

##### **Enterprise Zone Workshop**

Tomorrow, the State Franchise Tax Board will be at the Wharfinger for the **Enterprise Zone Workshop**. Businesses and Accounting Firms will learn everything they need to apply for State Tax Credits and have the opportunity to ask direct questions of the Franchise Tax Board Representative. (Completed 1<sup>st</sup> workshop 2009, 2<sup>nd</sup> workshop in the planning stages.)

##### **Eureka Redevelopment Web Site Update**

The Redevelopment Agency is working with local web designer, Morse Media to design a user friendly web site. The goal is to be able to update on a regular basis with changes in Redevelopment Programs and funding. (Completed, with continuous updating.)

##### **One to One Personal Business Meetings**

The City Manager and key personnel have been setting up 'One to One' meetings with businesses as to become acquainted with issues our Eureka businesses are dealing with. It also will be an opportunity to discuss programs which can help retain and grow our local businesses. (On-going)

##### **E-Mail Newsletter**

The City of Eureka is compiling an e-mail list of businesses to ensure all Eureka Businesses are informed of programs and business incentives through a **e-mail newsletter**. Just call 268.1830 and leave your business email. (In planning stage.)

**AGENDA SUMMARY****RE: MARTIN SLOUGH INTERCEPTOR PHASE 1-  
CONSULTANT SERVICES DURING CONSTRUCTION****FOR AGENDA DATE: FEBRUARY 15, 2011****AGENDA ITEM No.:** 15**RECOMMENDATION:**

1. Council and Eureka Redevelopment Agency Board approve an expenditure of \$700,000 in Redevelopment EPFA Series "B" Lease Revenue Bond funds for Phase I of the Martin Slough Interceptor construction project.
2. Authorize staff to prepare and execute contracts with consultant firms for services during construction for Phase 1 of the Martin Slough Interceptor project.

**SUMMARY:**

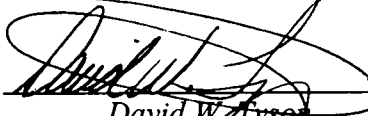
On September 7, 2010 Council authorized staff to advertise Requests for Qualifications for services during construction for Phase 1 of the Martin Slough Interceptor project. On October 24, 2011 staff advertised for Requests for Qualifications, and on November 15, 2010 fourteen submittals were received. Submittals were evaluated and ranked by a selection committee. The top-ranked firms were requested to prepare work scopes, and staff negotiated the scope of work with each of the firms. The results of the negotiated work scopes, with 10% contingency, are as follows:

- |   |           |
|---|-----------|
| 1. Soils and materials testing - LACO Associates                          | \$ 85,000 |
| 2. Construction surveying - Points West                                   | \$110,000 |
| 3. Construction observation - Oscar Larson & Associates                   | \$205,000 |
| 4. Resident engineer, clerical admin, record keeping - SHN                | \$203,000 |
| 5. Labor compliance - County of Humboldt                                  | \$ 40,000 |
| 6. Wildlife biologist, botanist, wetland scientist - Mad River Biologists | \$120,000 |
| 7. Fisheries biologist - Thomas R. Payne & Associates                     | \$ 16,000 |
| 8. Storm Water Pollution Prevention Compliance - AMEC                     | \$ 38,000 |
| 9. Geotechnical engineering services - SHN                                | \$ 80,000 |
| 10. Preparation and distribution of bid documents - SHN                   | \$ 20,000 |
| 11. Clarifications during bidding and evaluation of bids - SHN            | \$ 22,000 |

Prepared by Kurt Gierlich  Continued page 2**FISCAL IMPACT: Expenditures:**

\$270,628 from California Proposition 50 Grant (reimbursement), already included in budget. Appropriate \$700,000 from Redevelopment EPFA Series B Revenue Bond funds and \$73,372 from Wastewater Reserves to account 512-47000-7516-PJ455-512, 64% of which will be reimbursed by HCSD. (Approx. City share = \$279k; Approx. HCSD share = \$495k.)

**DEPARTMENT HEAD SIGNATURE:****CITY MANAGER SIGNATURE:**
  
 Michael Knight  
 Assistant City Manager

  
 David W. Tyson  
 City Manager
**REVIEWED BY:****DATE:****INITIALS:**

City Attorney

Finance

Public Works

 2/10/11  
 2/10/11

 Pn  
 BY
**Council Action:**

Ordinance No. \_\_\_\_\_

Resolution No. \_\_\_\_\_

**SUMMARY** *(continued)*

12. Response to Requests for Information – SHN	\$ 37,000
13. Review submittals – SHN	\$ 16,000
14. Prepare Record Drawings, manage project closeout – SHN	\$ 35,000
15. Project management & coordination – SHN	<u>\$ 17,000</u>
<b>TOTAL</b>	<b>\$1,044,000</b>

The contract costs above were prepared based on an estimate of the anticipated scope of work. Payments will be made for the actual work performed in such time period for each task based upon time and materials, plus expenses. The estimated cost for each category of work shall not be exceeded without prior written authorization.

Phase 1 Construction is being partially funded by California Proposition 50 grant funding and by EPA Special Appropriations grant funding.

Phase 1 of the Martin Slough Interceptor project is currently being advertised for public bids, with the bid opening scheduled for March 10, 2011. Staff is requesting Council authorize preparation and execution of consultant contracts in advance of the pre-bid meeting, which has been scheduled for Thursday, February 24, 2011.